

9 DECEMBER 1947

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I N D E X
Of
EXHIBITS

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I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Pros.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
1619	3585		Excerpts from Count Ciano's Diary		34928
1697	3586		Certificate of Authen- ticity re the copies of telegrams exchanged between the Japanese Foreign Office and SHIRATORI, Toshio, Ambassador Extraordinary and Plenipotentiary to Italy re negotiations con- cerning the Tripartite Pact were destroyed by fire		34931

Tuesday, 9 December 1947

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

Appearances:

For the Tribunal, all Members sitting, with
the exception of: HONORABLE JUSTICE SIR WILLIAM F.
WEBB, Member from the Commonwealth of Australia, not
sitting from 0930 to 1600; HONORABLE JUSTICE LORD
PATRICK, Member from the United Kingdom of Great
Britain, not sitting from 1330 to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTFE.)

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MARSHAL OF THE COURT: ~~The International~~
Military Tribunal for the Far East is now in session.

ACTING PRESIDENT: All the accused are
present except MATSUI, who is represented by counsel.
We have a certificate from the prison surgeon of
Sugamo certifying that he is ill and unable to at-
tend the trial today. The certificate will be recorded
and filed.

Mr. Brannon.

- - -

SHIGETARO SHIMADA, an accused, re-
sumed the stand and testified through Japanese
interpreters as follows:

REDIRECT EXAMINATION

BY MR. BRANNON (Continued):

Q At the conclusion of yesterday's session we
were on the subject of oil, Admiral. The prosecution
asked you, and I quote: "Is it not true that one
reason urged for making war on the United States was
economic strangulation with regard to oil?" Your
answer was: "That was not a fact." Will you please
explain to the Tribunal exactly what you mean by that
answer?

A Yesterday there were various questions from
the prosecutor in connection with the relationship

1 between oil and war. The quotation of my answer
2 just given by you was quite insufficient on my part.
3 To make the situation clear, I should like to ex-
4 plain the relationship between oil and war.

5 Q Admiral, please confine your answer to
6 matters which you have not already stated.

7 A With regard to oil, I think I have made my
8 position clear in my affidavit, and I further testi-
9 fied on this matter yesterday to some extent. The
10 situation in Japan in the latter part of November was
11 one in which oil had--the supply of oil had gradually
12 and daily decreased to the point where it was weaken-
13 ing the national defense power of Japan. On the one
14 hand United States military pressure against Japan
15 was being daily intensified and presented a very
16 serious threat to Japan. At that time telegraphic
17 information was being received from Ambassador NOMURA
18 in Washington with regard to United States public
19 opinion, and we understood from Ambassador NOMURA's
20 telegram that in September a war against Japan was
21 much more popular in the United States than war against
22 Germany. For instance, the Gallup poll for September
23 indicated that seventy per cent of the people polled
24 were in favor of war against Japan.
25

CAPTAIN ROBINSON: Now, if the Tribunal

1 please, if this inquiry is going to be devoted to
2 the subject announced, namely, oil, there is no
3 objection whatever. But the prosecution does object
4 to this witness' using that question as a means of
5 presenting his views on other matters.

6 MR. BRANNON: We quite agree with the prose-
7 cution, and I will ask you, Admiral, to confine your
8 answer to the question of oil, omitting other matters
9 as much as possible.

10 A (Continuing) Isn't the point in the question
11 that I am not considering the question of oil very
12 seriously?

13 Q Yes, the question was that is it not one
14 of the reasons urged for making war on the United
15 States, is not one of the reasons the economic strangu-
16 lation with regard to oil, and you said, "That was not
17 a fact." I want to ask you if that is your answer
18 and if you want to accept that now as your answer.

19 CAPTAIN ROBINSON: The prosecution objects
20 to the extent that that question may be calling upon
21 the witness to either repeat or revise his answer of
22 yesterday.

23 ACTING PRESIDENT: Ask him what he meant by
24 that answer.

25 BY MR. BRANNON (Continued):

Q What did you mean by that answer, Admiral?

1 A I said yesterday that the factor which led
2 Japan into war was not oil but the Hull note. To state
3 it in different words, the question which was at the
4 heart of the matter was the United States' attitude.
5 If the United States' attitude did not favor war, and
6 if that fact were clearly known, it was no concern
7 of ours even if the supply of oil fell down to the
8 point of zero. For instance, let us take the situa-
9 tion in which the Hull note was unacceptable, and in
10 Japan the navy was opposed to participation in the
11 war. In such a situation if the United States'
12 attitude was that the United States did not desire
13 nor favor war against Japan there would have been no
14 fear or feeling of threat at all in Japan. But
15 thereupon came the Hull note, and, under a situation
16 which I was about to describe previously, the intensi-
17 fication of the American military pressure against
18 Japan, the swinging of American public opinion in
19 favor of war, and if under such a situation and in
20 the light of such a situation it led us to believe
21 that if the United States should attack Japan, under
22 such a situation we were in a state of alarm of not
23 knowing when the United States would or might attack
24 Japan. This posed a very serious threat against us
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SHIMADA

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1 which we could not ignore, and in the light of that
2 situation we were forced into making a decision for
3 war.
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1 CAPTAIN ROBINSON: Now, if the Court please,
2 if a motion to strike out the answer of the witness as
3 unresponsive to the question would be received, it
4 certainly would be appropriate at this time. But it
5 might serve if the Court should see fit to advise the
6 witness to confine his answers to the questions as put.
7 Certainly, the prosecution does object to the witness'
8 taking this question about oil as an opportunity for
9 him to express his views about the beginning of the war
10 on many other points, especially as they are mere repe-
11 titution of what he said yesterday and are not now subject
12 to cross-examination.

13 MR. BRANNON: If the prosecution will be patient
14 enough to let him finish his answer, I think he will
15 connect it, if the Tribunal please.

16 ACTING PRESIDENT: It seems as though he has
17 already sufficiently explained his answer.

18 MR. BRANNON: I believe he has a last portion
19 of his answer he would like to give here. He was cut
20 off in the middle, I am sure. I would like if possible
21 to urge the Tribunal to allow the accused to fully
22 express his views on these matters, because it is the
23 only time that he will have the chance to speak.

24 CAPTAIN ROBINSON: May I ask that counsel
25 repeat the original question so that it may be clearly

seen to what extent the witness is departing from the question asked.

ACTING PRESIDENT: Let the witness finish his answer.

A (Continuing) In other words, the question of oil which was mentioned by Captain Robinson was not the primary or principal question. It was not even one of the factors. The principal deciding factor was the United States attitude. That is how I replied yesterday.

Q All right. We will leave that subject. I want to go for a moment back to your command of the China Seas Fleet, and ask you if the policy of blockading the China coast was in effect at the time you assumed command of the fleet?

A That was being conducted by my predecessor and by his predecessor; namely, Admirals HASEGAWA and OIKAWA, who preceded me.

Q And then you took on the same policy and procedure and carried it out during your command; is that correct?

A Yes.

Q As Vice-Chief of Naval General Staff back in 1937, you have testified that you issued orders to Admiral HASEGAWA. I will ask you if those orders were of your own creation?

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ACTING PRESIDENT: Let the witness finish his answer.

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A That was being conducted by my predecessor and by his predecessor; namely, Admirals HASEGAWA and OIKAWA, who preceded me.

Q And then you took on the same policy and procedure and carried it out during your command; is that correct?

A Yes.

Q As Vice-Chief of Naval General Staff back in 1937, you have testified that you issued orders to Admiral HASEGAWA. I will ask you if those orders were of your own creation?

1 A No, those orders were not created by me. I
2 do not remember now how I replied to a question of a
3 similar nature yesterday, but the Vice-Chief of the
4 Naval General Staff has no authority to issue orders to
HASEGAWA.

5 Q And where did the orders come from, Admiral?

6 A That is the Chief of the Naval General Staff.

7 Q And after the orders were issued, did you, as
8 Vice-Chief of Naval General Staff, act as the transmission
9 agency to commanders of the fleet?

10 A These orders were transmitted by telegram, I
11 believe.

12 Q And was that your function at times, to handle
13 the transmission of these orders?

14 A There were others in charge of the handling
15 of telegrams.

16 Q Now, yesterday the Tribunal asked you regarding
17 the attacks on Kota Bahru, Hong Kong and Shanghai. I
18 will ask you if you knew that those attacks were to take
19 place without notice being first given?

20 A Such was not the case at all. I believe all
21 arrangements were made so that any attack was to begin
22 after the proper and lawful international procedures
23 were taken.

24 THE MONITOR: Instead of "any attack," just
25

1 "war."

2 Q What control did you have over those naval
3 units which took part in those attacks?

4 A I had no control over operations.

5 Q Well, now, Admiral, the Tribunal, in speaking
6 to you of illegal submarine warfare, I believe, asked
7 you in effect, what would you do in the event that the
8 Chief of Naval General Staff disobeyed your warnings
9 concerning such actions? You told the Tribunal that you
10 would have seen to it that the Chief of Naval General
11 Staff be transferred or changed if he refused to follow
12 your warning.

13 Now, I will ask you, who appoints the Chief
14 of Naval General Staff?

15 A His Imperial Majesty, the Emperor.
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Q Well, if the Emperor appoints the Chief of Naval General Staff, how could you, as Navy Minister, discharge him or effect a change?

A I will have to present my views to the Throne and first receive the permission of the Throne. In the case of the question that arose yesterday, it was about the Chief of the General Staff engaging in some action in complete disregard of international law. In such an event, such an act would be in complete violation, or it would be in contravention of the wishes of His Majesty the Emperor, and so if I presented my views and opinions to the Throne in connection with such an instance, if it occurred, such an act being in violation of His Majesty's wishes, I would be confident that His Imperial Majesty, in the light of his position on the matter, would grant his approval and permission, and so I did not go so far as to explain the procedure in the matter.

ACTING PRESIDENT: Please confine your answers to the questions, Witness. You really answered the question in your first sentence.

MR. BRANNON: I thought that it was quite responsive, if the President please.

I was trying to establish, Mr. President,

1 that the accused did not personally have that power
2 but acted through the Emperor. I may have been
3 guilty in the framing of my question.

4 ACTING PRESIDENT: Your question was all
5 right. The only point I am raising is this: that
6 he didn't have to go into that long dissertation to
7 tell us that.

8 BY MR. BRANNON (Continued):

9 Q Do you know of any case in the history of
10 Japan where the Navy Minister discharged the Naval
11 Chief of General Staff by going to the Emperor
12 against the wishes of the Chief of Naval General
13 Staff?

14 A It is my understanding that there has been
15 no such case.

16 Q Well, was it your duty to report regularly
17 to the Diet?

18 A My duties and also a long prevailing
19 practice or custom.

20 Q Regarding the question of Japanese naval
21 confidence in regard to the war, I will ask you if
22 you heard the accused KIDO testify before this Tri-
23 bunal that Admiral NAGANO, at a liaison conference
24 as late as November 1, 1941, said that the Navy was
25 not confident of over a two year war?

1 A Yes, I heard that.

2 Q Have you personally heard Admiral NAGANO
3 discuss this matter and explain his views?

4 A I heard that frequently from Admiral
5 NAGANO himself. And, according to the KIDO diary,
6 Admiral NAGANO is said to have told that to His
7 Majesty the Emperor even before that in July -- the
8 end of July before I returned to Tokyo.

9 Q And, did you also share in these views?

10 A Yes.

11 Q Well, now, when a Minister of State, such
12 as yourself, was called in the presence of the
13 Emperor, what was the custom that was ordinarily
14 followed in regard to discussions that took place?

15 A When a summons was received from His Majesty,
16 the Minister of State called to the Imperial palace
17 merely replied to the inquiry from the Throne.

18 Q Did you volunteer information?

19 A No.

20 Q Now, Admiral, I feel that there is still
21 some doubt as to the meaning of the words in your
22 affidavit regarding your responsibility for the
23 alleged naval atrocities. Are you satisfied that
24 you have set forth in your affidavit your complete
25 views on your responsibility or connection with

alleged naval atrocities?

1 A Well, I have tried my best to make my
2 affidavit, as a whole, as compact as possible. How-
3 ever, I have a feeling that, with regard to your
4 present question, my explanations may not have been
5 sufficient.

6 Q Would you care to go ahead?

7 A May I explain?

8 Q Yes, I think the Tribunal would like to hear
9 it.

10 A Speaking of the work of the Minister of the
11 Navy in connection with prisoners of war, it was his
12 task -- his responsibility to issue regulations for
13 the handling of prisoners of war in accordance with
14 the provisions of international law. It was
15 customary for the Navy to hold prisoners of war for
16 only a very short period, and, therefore, regulations
17 concerning them were very few, such, for instance,
18 as the regulation for the handling of prisoners of
19 war and regulations concerning supplies to prisoners
20 of war. That was all.

21 The naval commanders on the spot, who happened
22 to capture prisoners of war, were responsible for
23 carrying -- for the handling of prisoners of war in
24 accordance with the regulations issued by the
25

SHIMADA

REDIRECT

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1 Minister of the Navy. Necessary rules and regulations
2 may have been issued by the commanders in chief of
3 the naval forces on the spot in accordance with and
4 on the basis of the regulations issued by the Navy
5 Minister.

6 The commander in chief, furthermore, has
7 the duty of appointing and supervising those who
8 take actual charge over prisoner of war affairs.
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1 THE INTERPRETER: Correction: "The Commander
2 in Chief of the naval forces on the spot also has the
3 responsibility of nominating and supervising those
4 who actually handle prisoners of war."

5 A (Continuing) As for the Navy Minister, because
6 he was responsible for the over-all -- for the general
7 control or supervision of all naval personnel, I wrote
8 in my affidavit in connection with my responsibility,
9 as I felt it, by citing the relationship of a father
10 and his son. But the Minister of the Navy cannot bear the
11 responsibility in so far as the chain of command is
12 concerned, or, that is to say, the chain of command
13 responsibility.

14 ACTING PRESIDENT: In that connection, further,
15 I have a question from a Member of the Tribunal.

16 BY THE ACTING PRESIDENT:

17 Q Had the Navy Ministry anything to do with the
18 transport of prisoners of war from the theatres of war
19 to Japan and Manchuria?

20 A By transferring of prisoners of war to Manchuria
21 I think means handing over prisoners of war to the Army.
22 With regard to the sending of prisoners of war to
23 Manchuria, the Navy Minister has consultations with
24 the Army in Tokyo, and he further gives directions to
25 the Commander in Chief on the spot with regard to the

1 destination and number of prisoners of war. The
2 actual transportation of prisoners of war from the
3 field, that is, in the theatre of war to Manchuria,
4 would be under the supervision -- would be the job of
5 the commander of the unit handling the transportation.
6 Q Would it be the same when they were transported
7 to Japan?

8 A Yes.

9 Q Did you receive reports about the numerous
10 deaths during these various voyages?

11 A None whatsoever.

12 ACTING PRESIDENT: That is all.

13 BY MR. BRANNON (Continued):

14 Q Did you ever hear of the United States
15 submarines during the Pacific War destroying the
16 survivors of ships they had sunk?

17 A Absolutely none.

18 Q Did you ever hear or know of any member of
19 the Japanese Government in the days preceding the
20 Pacific War or a member of the General staff or any
21 senior statesman or other responsible official of
22 Japan stating his opinion that Japan was not justified
23 in going to war?

24 ACTING PRESIDENT: That is not a proper
25 question on re-examination.

23 should have

24 official.

25 MR. BRANNON: Now, the Tribunal will note
that a new order of proof came out with one document,

1 destination and number of prisoners of war. The
2 actual transportation of prisoners of war from the
3 field, that is, in the theatre of war to Manchuria,
4 would be under the supervision -- would be the job of
5 the commander of the unit handling the transportation.

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20 Pacific War or a member of the General staff or any
21 senior statesman or other responsible official of
22 Japan stating his opinion that Japan was not justified
23 in going to war?

24 ACTING PRESIDENT: That is not a proper
25 question on re-examination.

1 MR. BRANNON: The matters brought up by
2 Mr. Logan yesterday would infer that there were some
3 who were opposed to the war as a matter of principle.
4 The distinction should carefully be made between
5 whether these senior statesmen thought that Japan
6 was not justified in a war of, say, self-defense, or
7 whether they thought it was ill-advised for Japan to
8 attempt such a war. A material point I charge, Mr.
9 President. I ask this witness his personal opinion.

10 ACTING PRESIDENT: You may ask it.

11 A I never heard of any such a thing.

12 Q Just this last question: Yesterday you were
13 asked by Mr. Logan whether the accused KIDO knew of
14 the Pearl Harbor Operational Plans. I will ask you
15 in fairness to the other accused whether there were any
16 civilian members of the Government who knew of the
17 Navy's Operational Plans prior to December 7, 1941.

18 A The Pearl Harbor Attack was a highly secret
19 material -- military matter and even in the Navy only
20 a very few knew of it. There is not supposed to be --
21 there is supposed to be not a single civilian who
22 should have known about this beforehand -- civilian
23 official.

24 MR. BRANNON: Now, the Tribunal will notice
25 that a new order of proof came out with one document,

1 defense document 2484. This, of course, was the
2 alleged statement of Admiral Nimitz pertaining to
3 American submarine warfare in the Pacific. Since
4 it had been rejected before, I had only one way to
5 attempt to qualify it and that was to ask this witness
6 whether the United States ever practiced submarine
7 warfare such as charged against Japan.

8 As I understand the prosecution, they state
9 that the only specific charge they make against Japan
10 regarding submarine warfare is that they killed the
11 survivors of ships. I therefore will withdraw defense
12 document 2484 in view of the statement made by the
13 witness which disqualifies it. The question of
14 retaliation was the basis for offering the document
15 again. And by doing this, of course, we do not admit
16 the truthfulness of the prosecution's charge against
17 Japan in this regard.

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...and in fairness to the prosecution, who may wish to question the accused concerning these documents, I would like to offer them in evidence at this time.

We offer in evidence defense document 622-B-1, which is an excerpt from the interrogation of Admiral SHIMADA by the prosecution dated 14 March 1946 at Sugamo Prison. It is offered for the purpose of disproving the inference cast by a previous excerpt from the interrogation of Admiral SHIMADA, introduced by the prosecution and appearing on page 10,194 of the record, that he knew about naval operational plans, including the Pearl Harbor attack plan before becoming Navy Minister.

ACTING PRESIDENT: It may be admitted in evidence.

CLERK OF THE COURT: Defense document 622-B-1 will receive exhibit No. 3573.

(Whereupon, the document above referred to was marked defense exhibit 3573 and received in evidence.)

MR. BRANNON: We offer in evidence defense

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referred to was marked defense exhibit
3574 and received in evidence.)

MR. BRANNON: I am informed by the prosecution they have no further questions. This concludes the presentation of the defense of Admiral SHIMADA.

We ask that he may take his place in the dock.

ACTING PRESIDENT: He may be returned to the dock.

(Whereupon, the witness was excused.)

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1 I might finish my presentation right now if
2 the prosecution will permit, because the next two
3 documents need not be read but only offered in evi-
4 dence, and in fairness to the prosecution, who may
5 wish to question the accused concerning these docu-
6 ments, I would like to offer them in evidence at this
7 time.

8 We offer in evidence defense document 622-B-1,
9 which is an excerpt from the interrogation of Admiral
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14 by the prosecution and appearing on page 10,194 of
15 the record, that he knew about naval operational plans,
16 including the Pearl Harbor attack plan before becoming
17 Navy Minister.

18 ACTING PRESIDENT: It may be admitted in evi-
19 dence.

20 CLERK OF THE COURT: Defense document 622-B-1
21 will receive exhibit No. 3573.

22 (Whereupon, the document above
23 referred to was marked defense exhibit
24 3573 and received in evidence.)

25 MR. BRANNON: We offer in evidence defense

1 document 1804 with its new certificate, defense docu-
2 ment 1804-A. It is the regulation concerning prisoner-
3 of-war rations issued by the Navy Minister, as amended.
4 I don't propose to read this document, and offer it
5 for the convenience and perusal of the Tribunal, for
6 the purpose of showing that prisoners of war re-
7 ceived rations and compensation on the same scale as
8 officers and men of the Japanese Navy itself. This
9 document was originally issued in 1904, but was re-
10 issued in 1937, 1942, and 1943, and appears here
11 in its amended form,

12 ACTING PRESIDENT: It may be admitted in evi-
13 dence.

14 CLERK OF THE COURT: Defense document 1804
15 will receive exhibit No. 3574.

16 (Whereupon, the document above
17 referred to was marked defense exhibit
18 3574 and received in evidence.)

19 MR. BRANNON: I am informed by the prosecu-
20 tion they have no further questions. This concludes
21 the presentation of the defense of Admiral SHIMADA.

22 We ask that he may take his place in the dock.
23

24 ACTING PRESIDENT: He may be returned to the
25 dock.

(Whereupon, the witness was excused.)

CLERK OF THE COURT: Defense document 1804-A
1 will receive exhibit 3574-A.

2 (Whereupon, the document above
3 referred to was marked defense exhibit
4 3574-A and received in evidence.)

5 ACTING PRESIDENT: Mr. Caudle.

6 MR. CAUDLE: Mr. President, with the per-
7 mission of the Tribunal I will proceed in the presen-
8 tation of evidence for the individual defense of the
9 accused SHIRATORI. Before making the opening state-
10 ment I would like to call attention to two small
11 changes in the document. They appear on page 2 in
12 the third line of the second paragraph.

13 ACTING PRESIDENT: We haven't the document.
14 You are talking through the red light.

15 MR. CAUDLE: I will repeat. I would like to
16 make two small changes on page 2, the third line in
17 the second paragraph; just before the words "Norway,
18 Denmark, and Finland" I would like to insert the word
19 "Sweden": and the last word in that sentence I would
20 like to change from "December" to the word "November."

21 On page 3, at the end of the first paragraph,
22 I would like to insert the words "record pages 31,255
23 to 31,257."
24

25 I will proceed with the statement:

Now comes SHIRATORI, Toshio, by his counsel:

The defendant SHIRATORI is indicted on the following counts: Counts 1-17, 27-32, 34 and 44; that is to say, he is indicted only on the counts on which the whole accused are indicted.

In their general phases the defense has produced evidence in order to contradict the prosecution's evidence and to show that the latter failed to sustain the aforesaid counts in the Indictment. I wish to state that we rely upon this evidence of the defense for the benefit of SHIRATORI. I will not, however, indicate in particular the evidence upon which I rely. in order to avoid repetition and to save time.

We will contradict or explain all of the evidence offered by the prosecution against the defendant SHIRATORI. But we also clearly deny all the charges by the prosecution against SHIRATORI, which have not been backed by evidence, without regard to whether the denial should be backed by evidence or not, as pertains to acts of commission and of omission.

The prosecution insisted in conclusion:

"While he (SHIRATORI) is specially concerned with Count 5, we submit that he was in the general conspiracy from the beginning, and responsible under all the counts in which he is charged." (Record page 16,924)

However, at the time of the Manchurian Incident
1 we will show that SHIRATORI was the Chief of the
2 Bureau of Information, that is to say, a Section
3 Chief of the Foreign Ministry, who is neither a states-
4 man nor a politician but an official serving under the
5 control and direction of the Foreign Minister, and we
6 will show that he fulfilled the duties of his office
7 in line with the peace policy of the WAKATSUKI Cabinet.

8 The prosecution contends, relying on the so-
9 called SHIRATORI letter to ARITA under date of 4 Novem-
10 ber, 1935 (Ex. No. 774-A), that SHIRATORI advocated
11 war against Russia, if inevitable, in order to shut her
12 out from advancing into East Asia. But it will be
13 shown that this letter, which is of quite a private
14 nature, is only a copy made from another copy of the
15 original, that it is not sure whether it quite conforms
16 to the original, and further, that it was not an
17 official document of the government as the prosecution
18 alleged.

19
20 We will show further that in June, 1933,
21 SHIRATORI was appointed to serve concurrently as
22 Minister for the countries of Sweden, Norway, Denmark, and
23 Finland, where he remained until November, 1936, and
24 that the Anti-Comintern Pact was negotiated during his
25 stay in Sweden, far removed from the scene thereof, and

1 finally concluded while he was aboard ship, enroute
2 home from his posts in the Scandinavian countries.
3 Further, that SHIRATORI could have had no part in the
4 China Affair because at the time of the outbreak of
5 this incident he was on the waiting list in the Foreign
6 Office and had no duties, connections, authority or in-
7 fluence of any kind on the policies of his government.

8 The prosecution made many damaging contentions
9 against SHIRATORI, relying on the telegrams exchanged
10 between Ambassador OTT and the German Government, but
11 we will show that they are all unfounded.

12 It will be shown that SHIRATORI had nothing to
13 do with the initiation, the talk and the negotiations
14 for concluding a tripartite alliance until early 1939,
15 and then only in a limited capacity, and also had
16 nothing to do with Italy's acceptance to participate
17 in the alliance. Moreover, practically the entire ne-
18 gotiations with Italy were made through Germany.

19 The prosecution insisted that SHIRATORI advo-
20 cated an all-out military alliance without reservations;
21 but it will be shown that the Tripartite Alliance,
22 under consideration at the time, was a weak and harm-
23 less pact of mutual assistance which would enable a
24 peaceful settlement of the China Incident and would pre-
25 vent the outbreak of a European war, and which would

1 not bind Japan automatically to participate in any
2 war for Germany and Italy, or to render military
3 assistance to them in case a European war should break
4 out contrary to expectations. It will be shown that
5 SHIRATORI, seeing that Germany and Italy would not
6 agree to the instructions of the Japanese Government,
7 submitted to his government his opinions advocating
8 conclusion of a weak and harmless alliance for the
9 cause of peace in Europe and in East Asia, without
10 insisting upon the formula of reservation proposed by
11 Japan. It will also be shown that the Japanese Govern-
12 ment did not accept SHIRATORI's opinions, and fur-
13 thermore, that the responsibility for treaties or alli-
14 ances did not finally rest with SHIRATORI, an Ambassa-
15 dor, but with his government (record pages 31,255-31,257).

16 Moreover, it will be shown that the negotia-
17 tions for concluding a Tripartite Pact in 1938-1939
18 finally terminated because of the conclusion of the
19 Non-Aggression Pact between Germany and USSR on 23
20 August 1939, that the Tripartite Alliance of 27 Sep-
21 tember 1940 was quite a different one from the pact
22 negotiated in 1938-1939, and that there was no rele-
23 tion between the two.
24

25 It will be further shown that SHIRATORI, being
FATSUOKA's diplomatic adviser in name only, had nothing

1 to do with the conclusion of the Tripartite Pact of
2 27 September 1940, and with the other diplomatic
3 activities of Foreign Minister MATSUOKA.

4 The prosecution branded SHIRATORI as a propa-
5 gandist in the so-called "conspiracy" (record page
6 16,765), probably relying on his activities, contribut-
7 ing articles and delivering lectures. But we will show
8 that he contributed articles and delivered lectures
9 on his own volition and not upon instructions or
10 directions of his government; that he was not, properly
11 speaking, a writer or lecturer, and a certain amount of
12 popularity of his writings and lectures resulted mainly
13 from his outspokenness and indiscretion as a diplomat,
14 and that his writings and lectures were always of a
15 private nature and had only a limited influence. It
16 will also be shown that the main purpose of SHIRATORI's
17 delivering lectures after his return from Rome was to
18 answer certain criticisms against his activities in
19 Italy.

20 We will show, further, that SHIRATORI was ser-
21 iously ill for almost one year, beginning in the spring
22 of 1941, that is to say, during the most decisive period
23 of the times, and was disabled from engaging in any
24 position of responsibility; and certainly had no part
25 in the planning, preparation for, or otherwise in the

1 instigation and carrying on of the Pacific War; that
2 the serious illness brought about a marked change in
3 his character, drawing him more deeply into a domain
4 of spirituality, and that during the entire period
5 of World War II he concerned himself very little with
6 worldly affairs.

7 We will also show that SHIRATORI played no
8 important part as a member of the directorate of the
9 Imperial Rule Assistance Association as well as of the
10 Imperial Rule Assistance Political Society.

11 In short, we will show that there is no sub-
12 stantial evidence to connect the defendant SHIRATORI
13 with commissions or voluntary omissions so as to be
14 guilty of any of the offences set forth in the Indict-
15 ment.

16 ACTING PRESIDENT: We will recess for fifteen
17 minutes.

18 (Whereupon, at 1045 hours, a recess
19 was taken until 1100, after which the proceed-
20 ings were resumed as follows:)
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1 MARSHAL OF THE COURT: 'The International
2 Military Tribunal for the Far East is now resumed.

3 MR. CAUDLE: Mr. President.

4 ACTING PRESIDENT: Mr. Caudle.

5 MR. CAUDLE: Before proceeding with the
6 evidence I would like to call the attention of the
7 Tribunal to certain deletions in the order of proof.
8 They are noted in the order of proof and they were
9 brought about due to the fact that Mr. Cunningham in
10 the presentation of his defense for Mr. OSHIMA intro-
11 duced various documents of the Foreign Ministry that
12 we had proposed to use and are now, therefore, already
13 in evidence.

14 Other deletions were made due to the fact
15 that the record was quoted in a number of instances
16 as to various evidence both pro and con, and it was
17 felt that the references would be better submitted
18 in the final summation.

19 I will now proceed with the evidence.

20 I offer in evidence defense document No. 62,
21 the curriculum vitae of SHIRATORI. The prosecution's
22 exhibit No. 125 is also a personal history of SHIRATORI,
23 but does not show the dates on which SHIRATORI left
24 from old posts and arrived at new posts.
25

ACTING PRESIDENT: It will be admitted in

evidence.

1 CLERK OF THE COURT: Defense document No. 62
2 will receive exhibit No. 3575.

3 (Whereupon, the document above
4 referred to was marked defense exhibit
5 No. 3575 and received in evidence.)
6

7 MR. CAUDLE: I will not read defense document
8 No. 62, exhibit No. 3575, but will only refer to and
9 rely on it in necessary cases.

10 I next offer in evidence defense document
11 No. 75, the Imperial Ordinance concerning organization
12 of the Ministry of Foreign Affairs. This ordinance
13 was effective from 1929 until 1933 and is slightly
14 different from IPS exhibit No. 26. I will read only
15 the Article 9, which the IPS exhibit does not contain.
16 The purpose is to show that SHIRATORI, as Chief of
17 the Information Bureau of the Foreign Ministry, managed
18 affairs of the same Bureau subject to orders of the
19 Foreign Minister.

20 ACTING PRESIDENT: It may be admitted in
21 evidence.

22 CLERK OF THE COURT: Defense document No. 75
23 will receive exhibit No. 3576.
24

25 (Whereupon, the document above
referred to was marked defense exhibit

No. 3576 and received in evidence.)

MR. CAUDLE: I now read Article 9 of said exhibit:

"In order to conduct affairs on information, there will be an Information Board in the Ministry.

"A chief shall be appointed over the same board.

"The chief shall be an official of 'Chokunin' rank. (TN. A rank of Imperial appointment).

"The chief shall manage affairs of the same board, in compliance with orders of the Minister of Foreign Affairs."

Items 3, 4, 5, 6 and 7 have been deleted.

I would like to call the witness YATSUGI.

- - -

K A Z U O Y A T S U G I, recalled as a witness on behalf of the defense, being first duly sworn, testified through Japanese interpreters as follows:

MR. CAUDLE: The prosecution stated, and I quote: "On the 4th of November 1935, SHIRATORI advised ARITA by letter that the threat of future calamity should be removed while Russia was comparatively impotent. He advocated war if that appeared inevitable in order to shut Russia out completely from advancing

1 into East Asia." That is record page 16,925; refer
2 also to IPS document No. 2419-A, exhibit No. 774-A,
3 record page 7884.

4 In the attached "Statement of Official
5 Procurement" to IPS document No. 2419, it is stated
6 that the said document was obtained from the Japanese
7 Government. Now, in order to show (1) that this
8 "Statement of Official Procurement" is not correct;
9 (2) that the document is not the original but is a
10 copy made from another copy of the original; (3) that
11 it is not sure whether the document quite conformed
12 to the original, and (4) that the document is not an
13 official one but is only private letters, I will now
14 question the witness YATSUGI.

15 DIRECT EXAMINATION

16 BY MR. CAUDLE:

17 Q Please state your name and address.

18 A My name is YATSUGI, Kazuo; my address: 5
19 Sakuragaoka-cho, Shibuya-ku, Tokyo.

20 MR. CAUDLE: May the witness be shown defense
21 document No. 647?

22 (Whereupon, a document was handed
23 to the witness.)

24 Q Will you please examine that document and
25 tell us whether or not it is your sworn affidavit?

1 A This is my sworn affidavit.

2 Q Are the contents true and correct?

3 A They are correct.

4 MR. CAUDLE: I offer in evidence defense
5 document No. 647.

6 ACTING PRESIDENT: Mr. Sandusky.

7 MR. SANDUSKY: May it please the Tribunal,
8 objection is taken to the whole of paragraph 4 on
9 page 3 of the affidavit. This is for the reason that
10 the letters must speak for themselves. No witness is
11 competent or necessary to explain to the Tribunal the
12 character of the letters which, as the witness himself
13 suggests, can be discerned at a glance. Furthermore,
14 in our submission the epistolary form of the letters
15 is wholly immaterial.

16 MR. CAUDLE: May it please the Tribunal, the
17 prosecution has contended all through this thing that
18 this letter was an official communication between the
19 defendant SHIRATORI and a Mr. ARITA, and we want to
20 show that it was purely personal. We wish to show
21 that it was purely a personal letter altogether and
22 had no official bearing or relation whatsoever.

23 ACTING PRESIDENT: By a majority the objection
24 is sustained.

25 With that exception, with the exception of

paragraph 4, the document may be admitted in evidence.

1 CLERK OF THE COURT: Defense document 647
2 will receive exhibit No. 3577.

3 (Whereupon, the document above
4 referred to was marked defense exhibit
5 No. 3577.)

6 MR. CAUDLE: I will now read the document:

7 "(1) I have held the post of Secretary
8 General of the Society for the Study of National
9 Policy, for years. As I have testified at the
10 Tribunal some time ago as a witness for the Inter-
11 national Prosecution Section, this Society for the
12 Study of National Policy is a purely private organ-
13 ization and it is neither an organ of the government
14 nor a part of it. And Mr. SHIRATORI, Toshio, was not
15 a member of the same Society and had positively no
16 relation with this Society.
17

18 "(2) In order to write a history of the
19 World War and to collect materials for it, I made a
20 round of calls on veterans and related persons of
21 diplomacy in April 1946 (21st year of Showa), and
22 borrowed various materials. Among the materials
23 borrowed from ARITA, Hachiro were included copies of
24 private letters written by Mr. SHIRATORI, Toshio, who
25 was then the Minister to Sweden, in November 1935

1 (10th year of Showa), and sent to Mr. ARITA, Hachiro,
2 then Ambassador to Belgium. They were two letters of
3 Mr. SHIRATORI, dated November 4 and November 12, and
4 were copies and not originals. From these copies I
5 made other copies for my own use, and returned the
6 copies borrowed from Mr. ARITA. Furthermore, I have
7 never seen the originals of these letters.

8 "(3) Afterwards my house was searched by
9 members of the International Prosecution Section, and
10 at the time, the above copies of the private letters
11 written by Mr. SHIRATORI, namely, the 'copies of the
12 copies' were confiscated by the IPS along with other
13 documents. I read exhibit 774-A of IPS (IPS document
14 2419A) and there was no doubt that they were those
15 'copies of the copies' of the private letters of
16 Mr. SHIRATORI which were confiscated from me."

17 May the witness be shown IPS exhibit 774-A?

18 (Whereupon a document was handed to
19 the witness.)

20 Q Will you please examine that document and
21 tell us whether or not it is the document referred to
22 in item 3 of your affidavit?

23 A It is that document.

24 Q You stated in your affidavit that you have
25 never seen the originals of these letters. Are you

1 sure that the document quite conforms to the originals?

2 ACTING PRESIDENT: Mr. Sandusky.

3 MR. SANDUSKY: May it please the Tribunal,
4 I object to that question on the ground of incompetency.
5 Since the witness admits that he has never seen the
6 original document he obviously cannot tell the Tribunal
7 whether the copy does or does not conform to the
8 original.

9 ACTING PRESIDENT: Objection sustained.

10 Q In the attached "Statement of Official
11 Procurement" it is stated that the document was
12 obtained from the Japanese Government. But, if the
13 document was seized by the prosecution from you, as
14 you stated in your affidavit, the aforesaid insistence
15 of the "Statement of Official Procurement" is not
16 correct, is it?

17 MR. SANDUSKY: Mr. President, objection is
18 taken to this question because the question is actually
19 argument under the guise of a question. We submit
20 that conclusions on evidence are to be drawn by the
21 Tribunal.
22

23 ACTING PRESIDENT: Mr. Caudle.

24 MR. CAUDLE: Mr. President, I submit, sir,
25 that that witness knows more about the history of this
document than anyone in this courtroom. He knows where

1 it came from, how it was taken by the IPS, and how
2 it finally reached these Chambers. Having such
3 knowledge and information he certainly should know
4 whether that certificate of procurement is correct or
5 incorrect.

6 ACTING PRESIDENT: By a majority the objection
7 is sustained.

8 Q Have you ever been an official of the
9 Japanese Government?

10 A Not once up to now.

11 MR. CAUDLE: You may cross-examine.

12 MR. SANDUSKY: May it please the Tribunal,
13 there will be no cross-examination.

14 MR. CAUDLE: May the witness be excused on
15 the usual terms?

16 ACTING PRESIDENT: He is excused accordingly.

17 (Whereupon, the witness was excused.)
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1 MR. CAUDLE: If it please the Tribunal, in
2 line with this same matter, I would like to refer to
3 certain objections made by defense counsel NARITOMI
4 to the same document when it was introduced by the
5 prosecution which occurred on the 16th day of October,
6 1946 and appears in the record at pages 7879 to 7882.

7 Item 10 in the order of proof has been
8 deleted.

9 I will next read the parts of exhibit No.
10 774A which were not read by the prosecution to show
11 the personal nature of the document, that the same
12 was not an official communication and, further, to
13 clarify the true contents thereof. It starts from
14 the beginning of page 1 of exhibit 774A, and I read:

15 "November 4 --

16 "Dear ARITA:

17 "I hear that it is at last decided that you
18 are to go to China."

19 I now read the second paragraph of page 1,
20 exhibit 774A:

21 "What I have put down here is a conclusion
22 drawn from my long-cherished and later revised views
23 based on both what I acquired by reading extensively
24 during my two years' stay in Sweden and what I had
25 heard from authorities on Russia. However, as it was

1 dashed off at a sitting, there may be inconsistent
2 points in my aim. At any rate, my bad style does not
3 fully express my intentions."

4 Three, the ending of page 1 of exhibit 774A
5 is "Yours respectfully, SHIRATORI."

6 ACTING PRESIDENT: Are you reading exhibit
7 774?

8 MR. CAUDLE: 774A. If it please your Honor,
9 I think some language corrections have been made in
10 this exhibit, and it might be just a little difficult
11 for you to follow. May I inquire if the Court has
12 copies of these excerpts?

13 ACTING PRESIDENT: I have exhibit 774 which
14 the Clerk just handed me. That does not have the
15 corrections in it.

16 MR. CAUDLE: I don't understand it, sir. It
17 was placed in the order of proof, and it was supposed
18 to have been --

19 ACTING PRESIDENT: Proceed with your reading.

20 MR. CAUDLE: Four, from the beginning of
21 page 2 of said exhibit:

22 "12 November, Shows 10/1935

23 "Dear Mr. ARITA:

24 "Your prompt reply and comments on my humble
25 opinion"

Then we go to paragraph 5 of page 2:

1 "My last letter, having been written only
2 for you without taking any copies, has not been pre-
3 pared to be shown to others."

4 The ending on page 2 is "Sincerely yours,
5 SHIRATORI."

6 Seven: Paragraph 1, second line of page 4
7 of said exhibit:

8 "The Foreign Office should be aware that
9 the situation prior to the Manchurian Incident more
10 than proved that mere formality such as 'Sino-Japanese
11 Good-Will' has no value, on the other hand, the mili-
12 tarists appear to be focusing their eyes on North
13 China, trying to build up a somewhat modified and
14 moderated Manchukuo. Foreign views aside, from the
15 standpoint of the interests of the Empire itself, the
16 propriety of such policy is at least very problematic."

17 Same paragraph, 17th line of page 4 of said
18 exhibit:

19 "Therefore, our future policy towards China
20 should be aimed solely at the exclusion of outside
21 influences and disregarding entirely immediate small
22 profits."

23 Second paragraph of page 4 to page 5, first
24 line of said exhibit:
25

1 "Although we may mention 'exclusion of foreign
2 influences,' we, of course, do not mean the exclusion
3 of all foreign activities in order to acquire monopo-
4 listic positions. For instance, I believe that due
5 respects should be given to the various British,
6 American and other legitimate establishments in
7 China, and moreover, we should be so prepared as to
8 give them willing cooperation. By excluding foreign
9 influences from China, we do not mean to be the so-
10 called 'dog in the manger,' but only the expulsion of
11 all influences which are harmful to China, and con-
12 sequently to Japan. Although we may say that this
13 shall be applicable to all, regardless of what that
14 country may be, when we take a general view, we find
15 that the activities of the various countries in China
16 today do not retain any vestige of the former days
17 when each country had her own sphere of influences.
18 Only a few relics of the former age remain, but in
19 general, they could be said to be unharmed. If Japan
20 takes the initiative, for instance, in discarding the
21 rights of extra-territoriality and other formal special
22 rights, and of having the foreign settlement removed,
23 and the number of foreign advisors reduced, would
24 not the rest be satisfactory?
25

"It is needless to say that, among the

1 foreign influences that should above all be expelled,
2 is that of Red Russia. This is a question on which
3 our Empire's diplomacy must concentrate its main
4 force in the future, and Sino-Japanese concert and
5 cooperation with the Anglo-Americans are necessary
6 for the solution of this problem."

7 Ten: From the 22nd line of the 2nd para-
8 graph of page 6 of said exhibit:

9 "Thus taking a farsighted view, I believe
10 that adoption of a policy for an instantaneous removal
11 of future calamity at this stage when they are com-
12 paratively impotent is a matter which should never be
13 neglected by those who bear concern for the welfare
14 of the people and nation. I am not saying that we
15 should unreasonably force a war against Soviet Russia
16 now. I am only saying that we should start negotia-
17 tions with her with determination, not refusing even
18 war if it is inevitable, to shut her out completely
19 from advancing into East Asia."

20 Eleven: Second paragraph of page 7 of said
21 exhibit:

22 "On the basis that it is determined not to
23 refuse war if inevitable, diplomatic measures relative
24 to this should be taken as early as possible. Since
25 the relationship of Germany and Poland with Russia

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1 is the same as ours, there is no need for us to make
2 any specific understanding with them. Once the war
3 breaks out they will surely rise. The only problem is
4 England."

5 (12) (Same paragraph, line 11 of page 7 of
6 the said exhibit.)

7 "Then how can we reach an understanding with
8 England? This will be the most urgent question. The
9 first step is to open a way for an understanding on
10 problems in regard to China. For this purpose, we,
11 of course, must slacken the pace of our China policy
12 but, as Britain should be able fully to recognize
13 Japan's position in East Asia, we should not have to
14 make many concessions. The fact is that this has been
15 what Britain desired while we have been rather reluctant.
16 Therefore, as far as it concerns China, I believe the
17 problem is soluble."

18 (13) (2d paragraph of page of said exhibit.)

19 "6. The aim of our policy toward China is
20 self-evident from the explanation stated above. The
21 nucleus is a Sino-Japanese Alliance against the Soviet.
22 Japan should cooperate with China in having the absolute
23 sovereignty of Hsinchiang and Outer Mongolia restored,
24 cooperate in subjugating Communist rebels, cooperate
25 in reorganizing and strengthening the Chinese armed

1 forces. Japan-Great Britain cooperation in China should
2 be within these bounds. Other problems are minor details
3 and trivialities of everyday occurrence. Furthermore,
4 since the said policy does not infringe on any existing
5 treaties, not only will it be free from criticism
6 viewed from international morals but a Sino-Japanese
7 Alliance formed to confront Communism which is the
8 enemy of a great number of peoples in the world today,
9 would certainly draw sympathy from world opinion and
10 even the United States would understand the real inten-
11 tion of Japan towards China, and there will also be a
12 great change of general opinion as regards the Man-
13 churian Incident. In brief, success would depend
14 on the method of execution and preparation."

15 I next refer to exhibit 3575 to show that
16 SHIRATORI was Minister to Sweden in November 1935, the
17 time this letter was written.

18 I next offer in evidence defense document No.
19 156 in order to show the fact that AKITA, Hachiro, to
20 whom the letter was addressed, was Ambassador to Bel-
21 gium in November 1935, and that he was transferred
22 from Belgium to China.

23 ACTING PRESIDENT: It may be admitted in evi-
24 dence.

25 CLERK OF THE COURT: Defense document 156

will receive exhibit No. 3578.

(Whereupon, the document above referred to was marked defense exhibit No. 3578 and received in evidence.)

MR. CAUDLE: I will read exhibit 3578, which is a very short document.

"Certificate.

"Former Foreign Minister ARITA, Hachiro, born 21 September, 1884.

"I hereby certify that the above-named was appointed Ambassador to Belgium 2 November 8th year of Showa (1933); arrived at his post at Brussels 19 February 9th year of Showa (1934); ordered home 16 November 10th year of Showa (1935) and left Brussels 4 December of the same year (1935); arrived at Tokyo 10 January 11th year of Showa (1936); appointed Ambassador to China 8 February of the same year; left Tokyo 22 February of the same year (1936) and arrived at his post at Shanghai 26 February of the same year."

Signed "TERAOKA, Kohei

"Chief of Personnel Section, Foreign Minister's Secretariat.

"14 October 1946."

ACTING PRESIDENT: Do you omit Item 12, defense document 62?

1 MR. CAUDLE: I didn't quite understand what
2 you meant, if you please?

3 Yes, sir, that is what I was referring to.

4 ACTING PRESIDENT: All right. Go ahead.

5 MR. CAUDLE: Item 14 has been deleted.

6 The prosecution offered in evidence against
7 SHIRATORI many telegrams exchanged between Ambassador
8 Ott and the German Government which formed the greatest
9 and most important part of the evidence of the prosecution
10 against SHIRATORI. In order to contradict this
11 evidence, I offer in evidence defense document No. 1929,
12 the interrogation of Ott by me.

13 ACTING PRESIDENT: Mr. Sandusky.

14 MR. SANDUSKY: May it please the Tribunal,
15 the prosecution is obliged to make numerous objections
16 to this voluminous interrogatory of 117 questions and
17 answers. Because my remarks are necessarily extended,
18 I have had them reproduced for the Tribunal in order
19 to assist the Tribunal in following the course of my
20 objections more easily. I will be as brief as possible
21 in citing grounds for objection, but I am prepared to
22 argue any specific objection more fully if the Tribunal
23 should so desire.

24 Mr. President, would you care to have a copy
25 of the objection?

1 ACTING PRESIDENT: I think it would be of
2 assistance to us.

3 MR. SANDUSKY: At page 8, question 2---

4 MR. CAUDLE: If it please the Tribunal, I
5 see no reason now to object to these questions at this
6 time. I would suggest that he object at such time
7 as the question is read in that the interrogation
8 more or less forms a sort of pattern, and you might be
9 able to more judiciously determine the objection if
10 you had the advantage of the background and the informa-
11 tion afforded by prior questions before the particular
12 question is asked.

13 ACTING PRESIDENT: Do you intend to read this
14 whole interrogation?

15 MR. CAUDLE: Yes, sir.

16 ACTING PRESIDENT: Mr. Sandusky.

17 MR. SANDUSKY: If in the opinion of the Court
18 it would be more expeditious and they could give more
19 considered judgment to the objections by following the
20 course outlined by Mr. Caudle, I am willing to inter-
21 rupt as he proceeds with the reading.

22 ACTING PRESIDENT: The Tribunal will hear
23 your objections as they come up, according to Mr. Caudle's
24 suggestion.

25 Subject to any objections that will hereafter

1 be made and sustained, the document is admitted in
2 evidence.

3 CLERK OF THE COURT: Defense document 1929
4 will receive exhibit No. 3579.

5 (Whereupon, the document above re-
6 ferred to was marked defense exhibit No. 3579
7 and received in evidence.)

8 MR. CAUDLE: For the benefit of the Tribunal,
9 I would like to make a short statement as to how and
10 why and under what circumstances this interrogation
11 came to be had.

12 ACTING PRESIDENT: Is that material?

13 MR. CAUDLE: It relates to the proceedings
14 and agreement we had in hearings before Justice Webb.
15 I didn't know and I was not certain whether the Tri-
16 bunal was familiar with the circumstances.

17 MR. SANDUSKY: Mr. President, in the interest
18 of saving time, we object to the procedure proposed on
19 the ground of immateriality.
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ACTING PRESIDENT: Proceed with the reading of the interrogatory.

MR. CAUDLE: All right, sir. (Reading)

"International Military Tribunal for the Far

"The United States of America, et al. }

against -

"ARAKI, Sadao, et al.

"REPORTER: Miss F. M. Knight.

WITNESS: General Eugen Ott.

"EXAMINING ATTORNEY: Charles B. Caudle, Counsel for SHIRATORI, Toshio.

"MR. CAUDLE: General, inasmuch as I understand you speak excellent English, I will carry on this interrogation in that language, in that neither the reporter nor I speaks German, if that is agreeable with you.

"GENERAL OTT: It will be quite all right.

"Q. General, will you please state your name, place of legal residence and place of present residence.

"A Eugen Ott. Legal residence, Icking, near Munich, Germany. **Present** residence, Peiping, China.

"Q Will you please state your present political status, and whether or not you are at present, or have at any time, been held in custody, or charged with any offense arising out of your political activities prior

to and during the war commonly known as 'World War 2'.

1 "A I am a German national, former German Amba-
2 sador to Japan. I am not now, nor have I ever been
3 held in custody or charged with any offense arising from
4 my political activities before and during the last war.
5 However, when summoned to Tokyo by the prosecution for
6 interrogation, I was by mistake held in custody in
7 Peiping for one night by the Chinese Police. This mis-
8 understanding was straightened out the following day.

9 "Q Will you please state your official position
10 with the German Government prior to your first visit
11 to Japan.

12 "A I was an Army officer attached to the Reichswehr
13 Ministry as Chief of the Political Department.

14 "Q Please state when you first arrived in Japan
15 and in what official capacity.

16 "A I arrived in Japan in June 1933 as official
17 observer for the German Army attached to the Japanese
18 Army.

19 "Q How long did you remain at this time?

20 "A I remained until December 1933 and then returned
21 to Germany.

22 "Q When did you next go to Japan and in what
23 official capacity?

24 "A I went to Japan next in March 1934 as Military
25

Attache to the German Embassy in Tokyo.

1 "Q How long did you remain as Military Attache,
2 and what was your next official position?

3 "A I remained as Military Attache until March 1938
4 and was next appointed German Ambassador to Japan in
5 April 1938 after the recall of Ambassador von Dirksen.

6 "Q How long did you serve as German Ambassador to
7 Japan and what official position did you occupy after
8 being relieved of this assignment?

9 "A I served as German Ambassador until January
10 1943, and was then placed on the waiting list of
11 Ambassadors. When my successor, Ambassador Stahmer, had
12 taken over my post, I moved my residence to Peiping,
13 China, where I have lived continuously since.

14 "Q Why did you not return to Germany at that time
15 or thereafter?

16 "A I did not return to Germany at that time or
17 thereafter because I had not got the permission to do
18 so, although I made a number of requests to Hitler
19 through the Reich's Foreign Minister to return by
20 blockade running ship and to re-enter the German Army.

21 "Q General, as I have advised you, I am American
22 Defense Counsel for SHIRATORI, Toshio, one of the
23 Japanese accused of alleged war crimes, now standing
24 trial before the International Military Tribunal for
25

1 the Far East at Tokyo. Will you please state when, where
2 and under what circumstances you first met the said
3 accused.

4 "A I met SHIRATORI, as far as I remember, for the
5 first time about October or November 1938, prior to his
6 departure for Rome as Japanese Ambassador to Italy, on
7 the occasion of a farewell dinner given by the Italian
8 Ambassador in Tokyo.

9 "Q Prior to his departure to assume this post, did
10 you at any time discuss with him in any capacity, either
11 personal or official, the then pending or proposed
12 alliance between Japan, Germany and Italy.

13 "A I never discussed with SHIRATORI, prior to his
14 departure, any alliance between Japan, Germany and
15 Italy. In fact, at that time, I knew of no negotiations
16 having been started.

17 "Q When and under what conditions did you first
18 learn of such negotiations?

19 "A I learnt of such negotiations first in April
20 1939 by the German Military Attache, Colonel Matzky,
21 to whom the Japanese Army had given a confidential hint.

22 "Q When and how were you first officially notified
23 of this by your Government?

24 "A I was first officially notified by Ribbentrop
25 in the latter part of April 1939 in response to my wired

request for information about this subject.

1 "Q Will you please state what instructions were
2 given to you at that time as to the activities you
3 should take, and the course you should follow as to
4 the said negotiations?

5 "A Ribbentrop instructed me at that time to keep
6 strictly secret the personal information which he had
7 wired to me, and to act as if I had never heard of it,
8 if addressed by anyone, even by the Italian Ambassador
9 in Tokyo. He, however, requested me to observe develop-
10 ments and to report accordingly.

11 "Q Please state when and under what circumstances
12 you took the first active part in these negotiations
13 and what activity you did take.

14 "A I took the first active part in those negoti-
15 ations with the Japanese Government in May 1939 when
16 the Japanese Foreign Minister handed over to me a
17 letter from the Prime Minister, HIRANUMA, to Hitler to
18 be conveyed through the Reich's Foreign Minister.
19 Upon request I forwarded this message.

20 "Q Did SHIRATORI communicate in any manner what-
21 soever with you during his stay in Europe?

22 "A No, I did not hear from SHIRATORI at any time
23 during his stay in Europe.

24 "Q When and under what conditions did you meet
25

1 SHIRATORI the second time?

2 "A I think I met him the second time after his
3 return to Tokyo some time during the latter fall of
4 1939, at an official function given by the Italian
5 Ambassador.

6 "Q How often did you meet him within the next
7 several months after that?

8 "A I met him rarely.

9 "Q Did you discuss any political matters, and
10 particularly the German-Japanese-Italian Alliance
11 during these times?

12 "A Our meetings were social and I think that these
13 matters were not discussed during that time.

14 "Q Please state if you know what official position
15 SHIRATORI occupied on his return to Tokyo from Rome.

16 "A SHIRATORI was still nominally Japanese Amba-
17 sador to Italy, but in fact was relieved of every func-
18 tion of his post.

19 "Q Did SHIRATORI take any part in the German-
20 Japanese-Italian negotiations during the time from his
21 return to Tokyo until he was officially relieved of his
22 Ambassadorship in early 1941?

23 "A No. All negotiations had been stopped after
24 the conclusion of the German-Russian Non-Aggression
25 Pact in August 1939.

1 "Q Please explain the condition of German-Japanese
2 relations immediately after the signing of the German-
3 Russian Pact and during the months that ensued.

4 "A The conclusion of the German-Russian Non-
5 Aggression Pact struck Japan as a surprising blow, and
6 caused the resignation of the HIRANUMA Cabinet. All
7 negotiations with Germany about the Alliance were
8 stopped, and relations between Germany and Japan cooled
9 down to a low degree. This situation existed until
10 about the late spring of 1940, when the development of
11 the War in Europe began to reflect in a changed Japanese
12 mind. I might also say that the strong economic measures
13 taken by the Government of the United States against
14 Japan contributed likewise to this change of the Japanese
15 mind.
16

17 "Q Please state if you know the official position
18 or status of SHIRATORI upon being relieved of his
19 Ambassadorial post, and further, if you know how long
20 or to what date he remained in such a status.

21 "A I learnt that he was placed on the waiting list
22 of ambassadors about three months after his return to
23 Tokyo, at a reduced salary. He kept this status until
24 late August 1940 when he was appointed Adviser to the
25 Foreign Minister. I might add that it is the normal
procedure to retain Chiefs of Mission for three months

1 after recall in their former official status in order
2 to assist financial readjustment, as it was the same upon
3 my retirement.

4 "Q Did you have any official relations with him
5 during this time?

6 "A I had no official relations with SHIRATORI
7 during this time. I saw him occasionally in a private
8 capacity."

9 I think the next question is to be objected
10 to. I will first ask the question, sir.

11 "Q Was the Alliance for which the various Govern-
12 ments worked during the period up to this date ever
13 concluded?"

14 ACTING PRESIDENT: Mr. Sandusky.

15 MR. SANDUSKY: May it please the Tribunal,
16 objection is made to the next three questions. As for
17 question 2 on page 8, the first sentence of the answer
18 is objectionable as being a voluntary conclusion not
19 responsive to the question. The defensive or aggressive
20 character of the various drafts of the abortive pact is
21 a conclusion for the Tribunal to draw from the evidence
22 submitted. Question 3 --

23 MR. CAUDLE: Let us argue this one first.

24 ACTING PRESIDENT: Mr. Caudle.

25 MR. CAUDLE: I contend that this man was a party

1 to the negotiations. He, at that time, was an ambassador
2 and represented the German Government in Japan. Certainly
3 if any one should know what the true intent and purposes
4 of the negotiations were it should be him. Also,
5 Mr. Sandusky is objecting to the answer because there
6 certainly can be no room for an objection to the ques-
7 tion, and I couldn't testify for him. I had to take
8 the answer I got.

9 ACTING PRESIDENT: By a majority the objection
10 is overruled.

11 MR. CAUDLE: It isn't necessary to repeat the
12 question.

13 "A The principal aim of the Alliance negotiated
14 for up to that time was a defensive pact against Russia.
15 Such an alliance was never concluded.

16 "Q When was the Alliance known as the Tripartite
17 Pact concluded, and what were its aims?"

18 MR. SANDUSKY: May it please the Tribunal,
19 objection is made to the second part of that question
20 and, of course, to all of the answer after the first
21 sentence. The aims of the pact are to be determined
22 from the pact itself and we submit that such determina-
23 tion is a function of the Court.

24 MR. CAUDLE: I submit, sir, that the pact was
25 not concluded and that the only way you can find out

1 what the true intentions and the desires of those who
2 were negotiating it would certainly be from one who took
3 part in the negotiations.

4 I beg to correct something. That was the Tri-
5 partite Pact that was concluded instead of not concluded.

6 ACTING PRESIDENT: By a majority the objection
7 is sustained.

8 We will now adjourn until 1:30.

9 (Whereupon, at 1200, a recess was
10 taken.)
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AFTERNOON SESSION

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2 The Tribunal met, pursuant to recess, at
3 1330.

4 MARSHAL OF THE COURT: The International
5 Military Tribunal for the Far East is now resumed.

6 ACTING PRESIDENT: With the Tribunal's per-
7 mission, the accused TOGO will be absent from the
8 courtroom the whole of the afternoon session con-
9 ferring with counsel.
10

11 Mr. Caudle.

12 MR. CAUDLE: Mr. President, I will resume
13 reading the interrogation of General Eugene Ott.

14 ACTING PRESIDENT: Is there another objection
15 here?

16 MR. CAUDLE: Yes, sir. It is the second
17 question from the bottom on page 8. (Reading):

18 "Q Was it ever the intention and purpose of
19 this pact which created this Three-Power Alliance
20 that the parties thereto, in cooperation with each
21 other, would conquer the entire world?"

22 ACTING PRESIDENT: Mr. Sandusky.

23 MR. SANDUSKY: Mr. President, we submit
24 this is clearly an attempt to forswear one of the
25 issues before this Tribunal.

1 ACTING PRESIDENT: As one of my colleagues
2 remarks, the answer does not give any information
3 either. He just simply says he does not know.

4 MR. CAUDLE: I think, if it please your
5 Honor, it says such an intention was never mentioned
6 to him, and you must remember that he was one of the
7 negotiators for the pact.

8 ACTING PRESIDENT: Objection sustained.

9 MR. CAUDLE (Reading):

10 "Q Inasmuch as SHIRATORI became an official
11 advisor to the Japanese Foreign Office in late August
12 1940 and the Three-Power Alliance was concluded in
13 late September 1940, is it not true that he occupied
14 his new position for a period of only one month prior
15 to the conclusion of the treaty?

16 "A Yes.

17 "Q General, I have with me various copies of
18 papers introduced as evidence before the Tribunal by
19 the prosecution, those being communications between
20 you and your government in Berlin. I will show you
21 each of these copies and with your permission I would
22 like to ask you some questions relating to them.
23 Although these documents were introduced into evidence
24 at various stages of the trial now under progress, and
25 bear exhibit numbers at variance with the dates of

1 same, I will, for the sake of clarity and expediency,
2 present them to you in their chronological order for
3 your answers and comments."

4 May I make a side statement, please. I will
5 call the page of the record that each exhibit appears
6 on as I read them for the convenience of the Tribunal
7 in locating them, if they so desire.

8 "I now hand you copy of exhibit No. 502
9 (page of the record, 6097 to 6102), a communication
10 to you dated 26 April 1939 from the German Foreign
11 Minister, von Ribbentrop. Will you please read this
12 document and explain the contents thereof. (Copy of
13 paper was handed to witness.)

14 "A This is a document I referred to previously.
15 It informed me for the first time about the negotia-
16 tions for conclusion of a defensive alliance going on
17 between Germany, Italy and Japan. It is evident
18 therefore that these negotiations had been started
19 already in the summer of 1938 without my knowledge.

20 "Q This, then, is the message you received from
21 Ribbentrop in answer to your inquiry concerning the
22 negotiations. Upon receipt of this communication
23 what action did you take, if any?

24 "A I took no action. As I have already ex-
25 plained, I had been instructed not to enter

1 into any activities except observation and report-
2 ing of developments, as you will find in the last
3 part of this document.

4 "Q Did any of your observations disclose any
5 activity on the part of the Japanese Government in
6 Tokyo which may have resulted from any acts or
7 communications from SHIRATORI in this regard?

8 "A I do not remember hearing SHIRATORI men-
9 tioned by the Japanese side.

10 "Q I now hand you copy of exhibit No. 503
11 (record pages 6103 to 6107), dated 4 May 1939, the
12 same being a communication from you to the German
13 Foreign Office. Will you please explain what this
14 document is and for what purpose it was dispatched.
15 (Copy handed to witness.)

16 "A This is the message of Prime Minister
17 HIRANUMA, referred upon before, when I first took
18 part in the negotiations with the Japanese Government.
19 It was dispatched on May 4, 1939, in an effort to
20 break the deadlock in the negotiations, at the re-
21 quest of the Japanese Foreign Minister.

22 "Q I now hand you copy of exhibit No. 504
23 (record pages 6108 to 6111), dated 5 May 1939, and
24 direct your attention to the paragraph thereof which
25 I will quote, due to its briefness. It reads as

follows:

1 "From the Foreign Ministry a senior
2 official who stands especially close to Ambassador
3 SHIRATORI, let me know personally that, in the entire
4 government a deep cleft between friends and enemies
5 of the alliance had formed.'

6 "I presume that this was one of the causes
7 of the deadlock just referred to. (Copy handed to
8 witness.)
9

10 "A I think so.

11 "Q Who was this person?

12 "A As far as I can remember, this person was
13 either MATSUSHIMA or KURIHARA, both senior members
14 of the Japanese Foreign Ministry.

15 "Q Do you know where he obtained this informa-
16 tion?

17 "A No, but I presume it came from the discus-
18 sion in the Foreign Ministry in Tokyo.

19 "Q At that time was not SHIRATORI in Europe?

20 "A Yes, he was.

21 "Q Then, why did you mention the name of
22 SHIRATORI in this message?

23 "A I mentioned the name of SHIRATORI for the
24 reason that it might add to the weight of the report
25 in the mind of the German Foreign Minister.

"Q I now hand you a copy of exhibit No. 2198
(record pages 15,744 to 15,745), dated 11 August 1939,
from you to the German Foreign Office, relating to
information given you by General HACHIJIRI relative
to conditions in the then cabinet as pertains to
German-Japanese-Italian relations, and conveying
communications from the then Japanese War Minister.
You will find that this document states in the
second paragraph of section 3 thereof that, for
reasons enumerated in the communication, the War
Minister would risk his resignation as a last resort
in the furtherance of better relations, which would
also certainly entail the resignation of Ambassadors
OSHIMA and SHIRATORI. (Copy handed to witness.)
Also on page 2 of this document you will note that
you stated in paragraph 2 thereof that it was impera-
tive that a decision in reply to the concessions de-
manded be made by August 15, 1939, the same being
within four days, and that the War Minister would
communicate the measure he had taken direct to
OSHIMA and SHIRATORI, by-passing the Foreign Minister.
First, I will ask you about the second part of your
message before I proceed.

Do you know whether or not it was the usual
practice of the War Minister to by-pass the Foreign

1 Ministry in communicating with SHIRATORI?

2 "A This is the only case I was informed of
3 when the War Minister by-passed the Foreign Minister
4 in communication with SHIRATORI about these negotia-
5 tions.

6 "Q Why was this unusual procedure followed, if
7 you know?

8 "A It is obvious that it was a matter of extreme
9 urgency because the answer had been requested within
10 four days. By sending through the usual channels,
11 there was a possibility of delay.

12 "Q As to the first part of this message re-
13 ferred to, what thereafter happened?

14 "A I have no knowledge of what happened imme-
15 diately after that, but on August 29 the Japanese
16 Cabinet resigned, following the non-aggression pact
17 between Germany and Russia. Afterwards all negotia-
18 tions between the Three Powers ceased, as I have
19 previously pointed out.

20 "Q I now hand you a copy of exhibit No. 498
21 (record pages 6082 to 6083 and 6130), dated September
22 8, 1939, the same being a communication from you to
23 your government, wherein the last four lines read as
24 follows:
25

"The Ambassador in Moscow" -- which is a

1 misprint and should read "Rome" -- "SHIRATORI, will
2 return from Rome since at that time he had taken up
3 the post of Ambassador purely in the expectation
4 that he would succeed in concluding an Italian-
5 Japanese-German Military Alliance.'

6 "Do you know of your own knowledge, or had
7 you ever been officially, or even semi-officially,
8 advised that he was appointed for this specific
9 purpose: (Copy handed to witness.)

10 "A No.

11 "Q Do you know to your own knowledge, or had
12 you ever been officially, or even semi-officially,
13 advised that he took this post at Rome with any
14 expectation whatsoever of concluding this alliance?

15 "A No.

16 "Q Then this information communicated in this
17 document must have been based on hearsay. Is that
18 correct?

19 "A I think so."

20 I think the next question is to be objected
21 to. I will read the question.

22 "Q I now hand you copy of exhibit No. 507,
23 dated 9 September 1939, the same being a communication
24 from von Ribbentrop to you in Tokyo, wherein it is
25 stated on the second page, at the end of the second

1 paragraph, that -- 'SHIRATORI, who will soon return
2 to Tokyo from his post as Ambassador in Rome, will
3 also work in this idea,' which, from the other parts of
4 the document, I assume the idea being of better Russo-
5 Japanese relations. (Copy handed to witness.) As you
6 have previously stated that you only saw SHIRATORI
7 very rarely, and then only at social functions, at
8 which times no political talks of any nature took
9 place, and further that your first private talk with
10 him took place the latter part of February 1940 upon
11 the visit of Mr. Stahmer to Tokyo, SHIRATORI did not
12 take the active part predicted by Ribbentrop. Is that
13 correct?
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ACTING PRESIDENT: Mr. Sandusky.

1 MR. SANDUSKY: May it please the Tribunal,
2 objection is taken to this question; first, because
3 the question is so grossly leading as to amount to
4 testimony by counsel, and second, after a close study
5 of the interrogatory, I cannot agree that counsel has
6 correctly represented the previous statements of the
7 witness which he includes in his question. And last,
8 even if accurate and not leading, the question is pure
9 argument on the evidence.
10

11 MR. CAUDLE: If it please the Tribunal, this
12 is purely a hypothetical question. If you remember, he
13 testified that he saw SHIRATORI only at social functions
14 and that no political matters were discussed. This
15 telegram infers that he would take an active part, when,
16 in fact, as has already been related, he did not; and
17 the question is simply to refresh his recollection of
18 what he said before, before asking him the question
19 itself.
20

21 ACTING PRESIDENT: By a majority, the objection
22 is sustained.

23 MR. CAUDLE: (Reading)

24 "Q I now hand you exhibit No. 511 (record
25 page 6141-6143) dated 23 February 1940, the same being
a communication to your Foreign Office signed

1 'Stahmer-Ott,' wherein the first paragraph, first
2 sentence, reads:

3 "After my arrival here I found such Japanese
4 already known to me as OSHIMA, SHIRATORI, TERAUCHI,
5 ISHII, etc., in an unchanged, friendly attitude, and
6 ready for every support.'

7 "(Copy handed to Witness.)

8 "General, this message seems to have been sent
9 by Mr. Stahmer, however it is signed, 'Stahmer-Ott.'

10 Will you please explain how this occurred?

11 "A The message was sent by Mr. Stahmer, but due
12 to the regulations for sending of cypher telegrams
13 from the German Mission abroad to the Home Government,
14 the Chief of Mission had always to sign such a telegram
15 for expedition.

16 "Q You at that time were the Chief of the German
17 Mission in Japan. Is that correct?

18 "A Yes.

19 "Q Please explain under what circumstances you
20 gentlemen saw SHIRATORI.

21 "A As far as I remember, Mr. Stahmer paid a pri-
22 vate visit in my company to SHIRATORI, due to the
23 instructions of Ribbentrop to get in touch with the
24 personal acquaintances of Ribbentrop in Japan."

25 I think the next question will be objected to.

1 "Q What was meant by the phraseology, 'in an
2 unchanged, friendly attitude,' and 'ready for every
3 support'?"

4 ACTING PRESIDENT: Mr. Sandusky.

5 MR. SANDUSKY: Mr. President, again we submit
6 that the document must speak for itself. We respect-
7 fully argue that evidence is unnecessary and improper
8 where the language in question is clear and unambiguous.

9 MR. CAUDLE: Your Honor, I think he would
10 have a right, if he was a party to the telegram, to
11 explain what he meant by it.

12 ACTING PRESIDENT: By a majority, the objection
13 is sustained.

14 MR. CAUDLE: (Reading)

15 "Q What was the occasion of Mr. Stahmer's visit
16 to Tokyo?

17 "A Mr. Stahmer was attached as a representative
18 of Ribbentrop to the mission of the Duke of Saxe-Coburge
19 Gotha, sent to Japan and the United States of America
20 at that time. This mission was sent to Japan in order
21 to present the congratulations of Hitler on the occasion
22 of the 2,600th anniversary of the founding of the
23 Japanese Empire, and was sent to the United States as
24 a goodwill mission to the Red Cross Society.
25

"Q Did SHIRATORI after this take any more active

1 part in furthering German-Japanese relations than before?

2 "A He did not, as far as I know, until the late
3 spring of 1940, when both the war events in Europe and
4 the American commercial measures enforced upon Japan
5 were changing gradually the Japanese mind, as I stated
6 previously."

7 This question will be objected to:

8 "Q Is it not true that during all of this time,
9 and even up to the very last part of August 1939,
10 SHIRATORI still occupied no official status other than
11 that of being on the ambassadorial waiting list, as
12 brought out before, and could not have taken, or carried
13 on, any official activity in this regard?"

14 MR. SANDUSKY: Mr. President, we submit that
15 in addition to being grossly leading, the question is
16 an attempt to argue the evidence, particularly in the
17 last portion.

18 MR. CAUDLE: If it please the Tribunal, he
19 testified previously in this interrogation that at this
20 time SHIRATORI was on the waiting list; and he being the
21 German representative in Japan, and being the one most
22 apt to be approached by SHIRATORI or anyone in connection
23 with the discussions of this proposed pact, he certainly
24 should know whether SHIRATORI took any part in it or
25 not.

1 ACTING PRESIDENT: By a majority, the objection
2 is sustained.

3 MR. CAUDLE: (Reading)

4 "Q I now hand you copy of exhibit No. 516 (record
5 page 6152-6153) dated 12th June 1940, from you to your
6 government, wherein you speak of Japanese-American
7 relations among other matters, and call your special
8 attention to the second, third and fourth paragraphs
9 thereof. Will you please explain in detail just what
10 you mean by the same, covering historical background,
11 Japanese psychology and existing conditions at the time
12 the communication was sent. (Copy handed to Witness.)

13 "A The background of this report of June 12, 1940,
14 is as follows:

15 "The collapse of France was obviously imminent,
16 and the British situation was very precarious, centering
17 round Dunkirk. The only effective relief which might
18 keep up the resistance power of England, and work against
19 the early settlement of the war, could come from the
20 United States of America, and was asked from them very
21 urgently. Therefore the German Government endeavoured
22 to hamper such a relief, and considered as a useful
23 way a continued tension in the Pacific area, which might
24 prevent the United States from removing their attention
25 ~~and fighting forces from the Pacific to the Atlantic.~~

1 It was a complicated matter to advance such a policy
2 upon Japan because the Japanese attitude was much divided
3 as it is given in the first part of my report. In this
4 situation I got instructions to back an Italian protest
5 obviously against a Japanese measure in favour of the
6 United States and contrary to the Italian interests --
7 I do not recall the case exactly. When I presented
8 my objections to the Reich Government's intentions I
9 had to avoid the permanent distrust of Ribbentrop that
10 I was inclined to block his aims. Therefore I stressed
11 in paragraphs No. 3 and 4 of my report that I was work-
12 ing in my own way, and pointed to the cooperation of
13 SHIRATORI and other Japanese persons known to Ribben-
14 trop in order to impress him and to succeed in my
15 objections.

16 "Q Did you mean, in the fourth paragraph of this
17 document, that the Embassy, OSHIMA and SHIRATORI worked
18 together in a common programme, based upon a mutual
19 understanding and common agreement, and if so, what
20 was the aim?

21 "A No, I did not mean that because there was no
22 such agreement.

23 "Q What, if anything, did SHIRATORI do in this
24 regard?

25 "A SHIRATORI, as far as I know, warned by private,

1 talks, and sometimes by the press, against the courting
2 of the United States, after they had enforced hard
3 economic measures upon Japan.

4 "Q Was this a part of a concerted plan taken by
5 him, OSHIMA, and you?

6 "A No, it was not a common plan. I had only
7 private talks with each of them separately, and OSHIMA
8 kept himself much apart from political activities during
9 his stay in Japan.

10 "Q Were you ever in the company of SHIRATORI and
11 OSHIMA at the same time for the purpose of carrying out
12 this so-called political cooperation?

13 "A No, I was not.

14 "Q Then why do you state that there was close
15 cooperation between you?

16 "A As I stated before, I used this expression in
17 order to give weight to the message, and to carry through
18 my objections. I might add that I used the names of
19 KONOYE and SUETSUGU for the same reason.

20 "Q I now hand you copy of exhibit No. 523 (page
21 of the record 6175-6177) dated 24 June 1940, the same
22 being a communication from you to your Foreign Office,
23 wherein, in paragraph 3, you state:

24 "Also Ambassador SHIRATORI, who is more
25 frequently named as the coming Foreign Minister,

1 advocated a Non-Aggression Pact with Russia in an inter-
2 view yesterday with Yomuri.' (Copy handed to Witness.)

3 "What, or who, is Yomuri?

4 "A 'Yomuri' is the name of a Tokyo newspaper.

5 "Q What was SHIRATORI's official status at that
6 time?

7 "A SHIRATORI was still on the waiting list of
8 ambassadors.

9 "Q I now hand you a copy of exhibit No. 538
10 (page of the record 6265) dated 2 August 1940, another
11 of your communications to your government, wherein the
12 second paragraph states:

13 "'Ambassador SHIRATORI informed confidentially
14 that he had declined the post of Vice-Foreign Minister.
15 It is to be considered that he will now be appointed
16 permanent Adviser to the Foreign Minister. He believes
17 that he can exercise a far-reaching influence in this
18 capacity.' (Copy handed to Witness.)

19 "Did he receive such an appointment, and if
20 so, did he at any time to your knowledge exercise a
21 far-reaching influence in that capacity?

22 "A Yes, he did get the appointment as permanent
23 Adviser to the Foreign Minister, but to my knowledge
24 he did not exercise a far-reaching influence in such a
25 capacity, as later developments, especially during the

1 negotiations for a conclusion of the Tripartite Pact,
2 proved.

3 "Q Do you know the difference in importance between
4 Vice-Foreign Minister and Adviser to the Foreign Minis-
5 ter; that is, the duties, responsibilities and influence
6 of the two respective positions? If so, please describe.

7 "A Yes, I know the difference from my own
8 experience. By my official relations with several Vice-
9 Foreign Ministers of Japan I realized that a Vice-
10 Foreign Minister was the permanent representative of
11 the Foreign Minister in all dealings with Foreign
12 Missions, which the Foreign Minister did not take up
13 personally. Furthermore, he was responsible for the
14 administration and personnel matters of the ministry.
15 I think that his position is comparable to the Under
16 Secretary of State of the United States. The Adviser
17 had none of these functions, and his effectiveness
18 depended upon the personal influence he had with the
19 Foreign Minister.
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1 "Q. Do you know whether or not SHIRATORI
2 had any personal influence with MATSUOKA, the then
3 Foreign Minister, and if so, please state?

4 "A. I did not observe such an influence,
5 even during the negotiations for the Tripartite Pact.

6 "Q. Did you ever have occasion to learn,
7 or know of, the nature of the personal relationship
8 between MATSUOKA and SHIRATORI?

9 "A. I occasionally got the impression of
10 a certain mistrust between MATSUOKA and SHIRATORI
11 by some remarks they made to me about each other.

12 "Q. Do you mean by that, General, that
13 both MATSUOKA and SHIRATORI were critical of each
14 other during private conversations with you?

15 "A. Yes, that I mean.

16 "Q. I now hand you copy of exhibit No.
17 548," record page 6,296 to 6,298, "dated 23rd August
18 1940, being another of your cables to your Foreign
19 Office. I call your attention specifically to
20 paragraph 2 which reads as follows: 'With the aim
21 of further preparation of suitable action for the
22 adjustment of state affairs on an authoritarian
23 model, the Government had formed a commission of
24 24 leading personalities. Ambassador SHIRATORI was
25 appointed the representative for foreign political

1 matters in the Commission. The Commission consists
2 mostly of followers of the reform movement and of
3 the policy of co-operation with the Axis Powers
4 which is constantly demanded by this movement.'

5 "(Copy handed to Witness.)

6 "Where did you get this information?

7 "A. By that time there were various
8 rumours about interior measures taken by the new
9 Cabinet. The reported formation of a commission was
10 one of these rumours.

11 "Q. Were you ever informed, even remotely,
12 who else comprised this Commission?

13 "A. No, I was never informed in that way.

14 "Q. After dispatching this message, did
15 you ever hear again of such a commission or of any
16 of its activities?

17 "A. No, I have to consider that information
18 reported by me was erroneous.

19 "Q. I now hand you copy of exhibit No. 562,"
20 record page 6,429 to 6,431, "dated 31st January 1941,
21 to the Reich Foreign Minister, wherein the third
22 paragraph states as follows: 'In contrast to this,
23 activist circles demand preventive attack on
24 Singapore as the key position in the West Pacific
25 Ocean. They expect to deprive America by a surprise

1 action of the possibility of military warfare in the
2 Pacific Ocean or to render it difficult. This
3 minority group is under the leadership of Admiral
4 SUETSUGU, Ambassador SHIRATORI, and has the support
5 of the young officers' corps and individual high
6 leaders of the Army and Navy.'

7 "(Copy handed to witness.)

8 "Then by a 'preventive attack' on Singapore,
9 it was the idea that, by so doing, it would preclude
10 America from entering the Pacific War, or at least
11 make it more difficult for her to do so. Is that
12 correct?

13 "A. I was informed that was the idea.

14 "Q. Where did you get all this information?

15 "A. I got this information during the
16 month of January, 1941, from different members of the
17 German Embassy, and from a number of Japanese of
18 various kinds with whom I had private talks. As the
19 report points out in the first paragraph, it was a
20 time of heightened political tension, therefore a
21 lot of sharp political discussions were going on.

22 "Q. Were these talks considered official
23 in any way?

24 "A. No, they were private talks.

25 "Q. Were you ever afforded any proof of

SHIRATORI being a leader among such a group?

"A. I was not afforded such a proof.

"Q. Then this information is without basis of fact. Is that correct?

"A. Yes."

ACTING PRESIDENT: I think that is a question that has been objected to.

MR. SANDUSKY: If it please the Tribunal, I have an objection to --

MR. CAUDLE: Your Honor, I am sorry that I got ahead, but on his list he gave me, he had the third question on page 25, which is the next question I had marked for his objection. I am sorry I proceeded without waiting.

ACTING PRESIDENT: We will hear your objection.

MR. SANDUSKY: Mr. President, objection is made to the second question on page 25, the one just read by counsel, because this question not only improperly invites a conclusion of the witness, but it suggests to the witness a conclusion that is a non sequitur. In answer to the preceding question, the witness made the negative statement that he had no proof of a particular fact. Now, we submit, it is illogical and improper to ask the witness to conclude as a positive matter, therefore, that such fact does

SHIRATORI being a leader among such a group?

"A. I was not afforded such a proof.

"Q. Then this information is without basis of fact. Is that correct?

"A. Yes."

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not exist.

1 ACTING PRESIDENT: By a majority, the ob-
2 jection is sustained and the answer, as read, will
3 be stricken.

4 MR. CAUDLE: Your Honor, will you hear me
5 a minute?

6 ACTING PRESIDENT: All right, go ahead.

7 MR. CAUDLE: This question was asked
8 relative to a definite statement contained in a tele-
9 gram that was composed, written, and otherwise dis-
10 patched by the interrogator -- I mean, the one being
11 interrogated, namely, General Ott, and certainly if
12 he made a definite statement he should certainly be
13 permitted to say where he got the information. If
14 he didn't get it and didn't know it was a fact, he
15 certainly should be permitted to say he did not know
16 it to be a fact -- was not correct.

17 Further, sir, this telegram was dispatched,
18 I think, in January of '40 -- no, wait a minute --
19 the 31st of January, 1941. Over this period of
20 years, when I asked him this question in May of 1947,
21 he had ample opportunity to know at that time that it
22 was not a fact.

23 ACTING PRESIDENT: By a majority, the ob-
24 jection is sustained and the answer will be stricken.
25

1 MR. CAUDLE: Have you any objection?

2 ACTING PRESIDENT: I think the next ques-
3 tion is objected to also.

4 MR. CAUDLE (Reading continued):

5 "Q. I now hand you copy of exhibit No.
6 1073," record page 9,909 to 9,913, "dated 18th May
7 1941, another of your communications to your Foreign
8 Minister.

9 "(Copy handed to witness.)

10 "General, you state in the last sentence
11 of this communication that the Activist Group is at
12 present weakened by the serious illness of SHIRATORI,
13 yet in response to my questions on exhibit No. 562,"
14 record page 6,429 to 6,431, "you state that you had
15 no proof of SHIRATORI being a leader of the Activist
16 Group, and finally concluded that information you
17 had to this effect was without basis of fact. Is
18 that correct?"

19 ACTING PRESIDENT: Mr. Sandusky.

20 MR. SANDUSKY: Mr. President, I object to
21 this question, or rather, statement by counsel,
22 because it is based upon the improper conclusion
23 suggested by counsel in the preceding question. I
24 refer particularly to the last three lines of the
25 question. We urge its rejection for the same reason.

1 MR. CAUDLE: If it please your Honors, I
2 prefaced that question by those remarks just to re-
3 fresh his recollection of what had transpired in the
4 other questions asked prior to this one, and it
5 certainly was only to clarify the matter that I
6 brought it up at that time.

7 ACTING PRESIDENT: By a majority, the
8 objection is sustained.

9 MR. CAUDLE (Reading continued):

10 "Q. General, I now hand you exhibit No.
11 1113," record page 10,157 to 10,158, "dated 7th July
12 1941, which is another communication to your Foreign
13 Minister.

14 "(Copy handed to witness.)

15 "Please read this carefully before answer-
16 ing.

17 "Where was SHIRATORI residing at the time
18 of this visit?"

19 Your Honor, for your information, that is a
20 telegram where he reports visiting SHIRATORI, who was
21 ill at that time and not in Tokyo.

22 "A. SHIRATORI was residing at Hayama which
23 is a seaside resort about two hours drive from Tokyo.

24 "Q. Was this visit of a special nature?

25 "A. No. I went many times in the summer

1 to the seaside near Hayama where I had my own villa,
2 as many Foreign diplomats had. On one of these
3 occasions I visited SHIRATORI. The way to his
4 residence was a circuit of just five minutes on the
5 way to my own villa.

6 "Q. It appears from your communication
7 that you had been directed by your Foreign Minister
8 to convey to SHIRATORI his best wishes for his re-
9 covery.

10 "A. I think that is correct.

11 "Q. However, as you stated, you did not
12 make a special trip to this place for this purpose,
13 but chanced to go by during your visit to your own
14 villa. Is that correct?

15 "A. I think so."

16 There is another objection to a question.

17 "Q. At the time you saw SHIRATORI you
18 stated in your communication that he was very ill,
19 and stated at length as to the nature of his illness,
20 as explained to you by him. Did you know at the time
21 of this visit that his real and most serious illness
22 was of a mental nature?"

23 ACTING PRESIDENT: Mr. Sandusky.

24 MR. SANDUSKY: Mr. President, objection is
25 made to this question because, we submit, it is

grossly leading.

1 MR. CAUDLE: Your Honor, I don't know
2 whether the prosecution could ever entertain enough
3 gall to object to a leading question, with what they
4 got by with in some instances.
5

6 Sometimes you have to preface a question
7 to give a man an idea of what you are talking about.

8 ACTING PRESIDENT: By a majority, the ob-
9 jection is overruled.

10 MR. CAUDLE (Reading continued):

11 "A. No, I reported his suffering from kid-
12 ney trouble, as I had been informed. I found out
13 later, however, that it was really of a mental nature."

14 Here is another objection.

15 "Q. Then the information you received first
16 of the nature of his illness was, to all intents and
17 purposes, an effort to cover up the real nature of
18 the illness, both by him and his friends."

19 This is off the record.

20 (Whereupon, Mr. Caudle made a
21 statement off the record.)
22

23 "A. I think that this wrong information
24 was mainly due to the well-known shyness of the Japa-
25 nese with regard to giving any particulars of their
personal conditions.

1 "Q. From your observations what was his
2 mental condition at this time?

3 "A. At this time he gave me the impression
4 of being mentally tired.

5 "Q. I now hand you copy of exhibit No. 800,"
6 record page 7,967 to 7,968, "dated 1st August 1941,
7 which I ask you to read carefully. With whom was
8 this conversation that you reported?

9 "(Copy handed to witness.)

10 "A. I held this conversation with Minister
11 Secretary YAMAMOTO, commissioned with the affairs of
12 the Vice-Foreign Minister.

13 "Q. Was SHIRATORI present at this time?

14 "A. No. I pointed out in this report that
15 I had visited SHIRATORI during the past days in his
16 place of convalescence, and as far as I know, he was
17 still there at this time.

18 "Q. Was this a special visit or another
19 visit similar to the previous one?

20 "A. It was another visit similar to the
21 previous one.

22 "Q. Did any of the ideas advanced by
23 YAMAMOTO ever materialize?

24 "A. Insofar as I know, they did not.

25 "Q. I now hand you copy of exhibit No. 608,"

1 record page 6,662 to 6,665, "dated 5th December 1941,
2 being another cable from you to your Foreign Office,
3 the fourth paragraph of which reads as follows:

4 'SHIRATORI explained to me that the leading circles
5 of Japan have come to the conclusion that Roosevelt
6 wants now to enter the war by means of a conflict
7 in the Far East. From various sides the opinion
8 has been advocated that the United States are now
9 sure of the coalition of the ABCD States and Russia
10 which has been striven for more than ten years.
11 Therefore Roosevelt believes that the moment for
12 a settlement has come since one cannot be certain
13 of the adherence of these states in the future.'

14 "(Copy handed to witness.)

15 "This paragraph appears to me to be a
16 little confusing as to whether or not SHIRATORI
17 gave all the expressions contained therein. Will
18 you please state whether or not the entire paragraph
19 relates to SHIRATORI, and if not, state what part
20 of the same does relate to him.

21 "A. Only the first sentence refers to
22 SHIRATORI.

23 "Q. Do you recall where you saw SHIRATORI
24 at this time?

25 "A. I do not recall that.

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1 "Q. Is it possible that it was another
2 visit to his seaside villa?

3 "A. It is possible.
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1 "Q. Is it possible that it was another
2 visit to his seaside villa?

3 "A. It is possible.
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This question will be objected to.

He waives it.

(Reading continued):

"Q Did you consider at this time and did you report to your Government that you thought SHIRATORI had recovered from this mental illness?

"A He still appeared to be in a state of convalescence, and I do not think I reported to my Government that he had recovered, at this time or before.

"Q Under these circumstances, and particularly as he occupied no position whatsoever with the Government at that time, did you consider that he meant to convey to you that 'leading circles' meant the official attitude of the Government?"

ACTING PRESIDENT: Mr. Sandusky.

MR. SANDUSKY: Mr. President, objection is made to this question. SHIRATORI's collaboration with the German Embassy is a point in issue, but we submit that Mr. Ott's interpretation of information furnished by SHIRATORI is irrelevant and immaterial.

MR. CAUDLE: If it please the Court, if the prosecution will adopt an attitude like that with reference to all these other communications, I wouldn't have to be reading this interrogation.

1 ACTING PRESIDENT: By a majority the objection
2 is sustained.

3 MR. CAUDLE: (Reading continued)

4 "Q General, in going through these various
5 exhibits, I find that one of the same, namely exhibit
6 No. 576," record page 6476 to 6480, "dated 25th March
7 1941, being your 'Note on situation in Japan', sent
8 from a train in Germany to the Reich's Foreign Minister,
9 wherein you digressed on a proposed attack by Japan
10 upon Singapore, was inadvertently not placed
11 chronologically with the other exhibits. With your
12 permission, I will question you as to this document now.

13 "(Copy handed to Witness.)

14 "You state in this exhibit, 'Ambassador
15 SHIRATORI stressed also the necessity to tie up the
16 British Fleet.' Is it correct, as I have stated, that
17 this note was sent while you were in Germany?

18 "A Yes.

19 "Q What was the occasion of your being in
20 Germany at this time?

21 "A I was called by my Government to be
22 present during the visit of Japanese Foreign Minister
23 MATSUOKA to Berlin.

24 "Q Where was SHIRATORI at this time?

25 "A SHIRATORI was in Japan.

1 "Q Please state where, when, and the
2 circumstances of your meeting and conversation with
3 him in this regard.

4 "A I met him some time, probably in February
5 1941, during a farewell visit before I left for
6 Germany.

7 "Q Was this meeting of an official nature?

8 "A No, it was not of an official nature,
9 but purely personal.

10 "Q Is it not true that SHIRATORI was a
11 career diplomat, and at no time saw any service either
12 in the Japanese Army or Navy?

13 "A As far as I know, that is correct.

14 "Q Then the opinion expressed by him was
15 only that of a layman, and not the opinion of a man
16 versed in military tactics. Is that correct?

17 "A That is correct. The same opinion had
18 been voiced to me during that period by other laymen.

19 "Q General, I hand you a copy of exhibit No.
20 1272," record page 11351 to 11358, "dated 17th May
21 1942, which is a communication to your Government
22 recommending various German decorations. Will you
23 please describe or explain the German protocol in
24 awarding decorations to foreign nationals, and the
25 circumstances surrounding this recommendation. (Copy

handed to Witness.)

1 "A For awarding German decorations the
2 recommendations had to be made to Hitler by his
3 Chancellory, which got the proposals from the various
4 Reich Ministries, as the Foreign Ministry, War Ministry,
5 etc. Minister von Ribbentrop was, for himself and for
6 his personal favourites, rather anxious to get foreign
7 decorations, and became very angry when he considered
8 the Japanese Government too reluctant in bestowing a
9 sufficient number of decorations upon German people.
10 He succeeded in blocking in the Reich Government every
11 award of decorations for Japanese for a considerable
12 time. Consequently the Japanese side became very
13 insistent, and stressed the striking contrast with the
14 Italian practice, where there was a sumptuous flow of
15 decorations.
16

17 "In order to break this deadlock troubling
18 the atmosphere in Tokyo, I eventually presented to
19 Ribbentrop a list wherein I recommended decorations
20 to be bestowed on the second anniversary of the
21 Tripartite Pact in September 1942.

22 "Q From what you say, it would appear that
23 officials of both Governments were jealous of their
24 respective departments, and there was somewhat of a
25 contest as to who could get the most decorations or

medals to add to already crowded tunics.

1 "A Yes, it was proved from my own experience.

2 "Q Please explain the circumstances of your
3 recommendation of SHIRATORI for the Great Cross, the
4 German decoration.

5 "A The German Protocol had provided that
6 the Great Cross is the only class of decoration for
7 which a person of Ambassador's rank is eligible. As
8 this fact was well known to the Japanese Board of
9 Decorations, the bestowal of a lesser decoration would
10 have been considered by the Japanese side principally
11 as most unfavourable, as my long experience proved.
12 I recommended SHIRATORI on this occasion of a decorations
13 list for the Tripartite Pact because he was personally
14 known to Ribbentrop, and had been the Adviser to the
15 Foreign Minister at the time of the conclusion of the
16 pact, in order to lessen the opposition of the Reich's
17 Foreign Minister against the whole matter of decorations.

18 "Q General, from later developments do you
19 think that the efforts of SHIRATORI, and particularly
20 the results of such efforts to further Japanese-German
21 relations, deserved the award given to him?
22

23 "A I am sorry, but I must say that I do not
24 think so.

25 "Q Were other recommendations made for awards

1 in commemoration of the conclusion of the Tripartite
2 Pact, and were such awards bestowed?

3 "A Yes. For instance, Foreign Minister
4 MATSUOKA had been decorated previously. Mr. SAITO,
5 Yoshie, another Adviser to MATSUOKA during the
6 negotiations for the Tripartite Pact, had been
7 recommended and decorated at the same time as SHIRATORI
8 with the Great Cross. I think that there were others
9 but I do not recall their names.

10 "Q What was the usual procedure of the
11 Japanese with regard to these people designated or
12 recommended for consideration of awards by them?

13 "A When we discussed with the Japanese side
14 confidentially before recommendations went to the
15 Reich Government, they usually suggested the distribution
16 of decorations among higher ranking personalities and
17 some of lesser rank in order not to create dissatis-
18 faction.

19 "Q General, one of my associate American
20 defense counsel, Mr. James N. Freeman, counsel for
21 General Kenryo SATO, asked me to inquire about the
22 circumstances of your recommendation of General SATO
23 for the German award of the Distinguished Service
24 cross with Stars. Will you please state why and under
25 what circumstances this recommendation was made.

1 "A The recommendation of General SATO
2 and others was made by the German Military Attache
3 upon the insistence of the Japanese Army, which had
4 become rather angry because no award of German
5 decorations had been given for a considerable time.
6 I backed the recommendation of General SATO due to his
7 official position. He was, at that time of our common
8 war, the Chief of the Section of the Japanese Army
9 where the liaison with the German Embassy was centered."

10 There will be an objection to this next one.

11 "Q General, I have questioned you about the
12 aforesaid communications sent by, or received by you,
13 to or from your Government, wherein the name of
14 SHIRATORI was mentioned, numbering about 16 to 18.
15 From these communications the prosecution has endeavored
16 to show the important position of SHIRATORI in the
17 Japanese Government, and the influence he had on its
18 policies. These wires covered a period of from April
19 1939 to May 1942, approximately three years. During
20 this period will you please state approximately how
21 many communications you sent from Tokyo to your
22 Government."
23

24 ACTING PRESIDENT: Mr. Sandusky.

25 MR. SANDUSKY: Mr. President, my next objection
 actually is addressed to the series of questions beginning

1 with this particular question. It ends with the
2 second question on the middle of the next page. They
3 all tie into the same subject matter.

4 In our submission, this attempted evaluation
5 of SHIRATORI's cooperation with Ott on the mathematical
6 basis of the numbers of letters sent or recieved is
7 glaringly irrelevant and immaterial.

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1 MR. CAUDLE: If it please the Tribunal --

2 ACTING PRESIDENT: Mr. Caudle.

3 MR. CAUDLE: I would venture to say that the
4 gist, or nearly the whole heart of the case against
5 SHIRATORI, they have centered in these telegrams that
6 they have brought back here from Nuremberg that were sent by
7 Ott. And through these telegrams they have tried to
8 emphasize the important position and the influence that
9 the accused SHIRATORI had on Japanese policies and its
10 functions. The prosecution laid particular stress on
11 these 16, 18 or 20 telegrams that they presented in
12 evidence here that contained the name SHIRATORI, whether
13 they came from Berlin or were sent from here.

14 I think I have a right to show this Tribunal
15 just what an insignificant, infinitesimal part of all
16 the tremendous number of telegrams that were communicated
17 between the two governments, or rather, the Embassy and
18 the German Government -- to show just how little it
19 actually was. When they put those telegrams in evidence
20 they were mighty important at that time; now they want
21 to belittle them and don't want to compare them with
22 the whole number that were sent out of here. I think --

24 ACTING PRESIDENT: By a majority, the objec-
25 tion is sustained.

MR. CAUDLE: All right; that's all on that.

(Reading) "Q During this period approximately how many did you receive from your government?"

MR. SANDUSKY: Same objection on the same grounds, your Honor.

ACTING PRESIDENT: Same ruling. Objection sustained.

MR. CAUDLE (reading): "Q Then is it not true that, comparable to the number of those sent and received, SHIRATORI was referred to in an unimportant number of the same?"

MR. SANDUSKY: Same objection, your Honor, on the same grounds.

ACTING PRESIDENT: By a majority, the objection is sustained.

MR. CAUDLE (reading): "Q Did you not mention SHIRATORI's name in some of your telegrams to Berlin where the name of some other person would have answered the purpose?"

"A Yes.

"Q The prosecution accuses SHIRATORI of furnishing important information to Germany through your Embassy. Did he ever furnish you with any news or information at all concerning an important policy or decision of his government, or any state secret in general?"

"A He never furnished any news or information

of this kind to the German Embassy.

1 "Q Was SHIRATORI in occupation of any important
2 position in Tokyo during the whole of your sojourn in
3 Japan?

4 "A Not that I know of, during my personal ac-
5 quaintance with him, except as Advisor to the Foreign
6 Minister.

7 "Q Did he appear to you to have any influence in
8 important affairs of state, or to carry any weight with
9 Foreign Minister MATSUOKA in this position?

10 "A No, as I have pointed out before.

11 "Q Was his position not rather that of a person
12 in opposition to the government of the day?

13 "A I heard him several times criticize in a most
14 outspoken manner measures announced by the Japanese
15 Government.

16 "Q Was he not forward in expressing his personal
17 views?

18 "A Yes, he appeared sometimes to be a rather
19 talkative man.

20 "Q From later developments and proven facts and
21 events as you know them now, did SHIRATORI ever, during
22 your acquaintance with him, carry any weight with his
23 government or influence the policies thereof, either
24 foreign or domestic?"
25

1 MR. SANDUSKY: Mr. President, objection is made
2 to this question on the ground that it calls for a con-
3 clusion beyond the competence of the witness, and is an
4 attempt to forswear the issue.

5 MR. CAUDLE: If it please the Tribunal, this
6 interrogation is centered around a number of telegrams
7 making definite statements, signed by Eugen Ott. He
8 was on the scene as a German representative in the
9 country of Japan. He had an opportunity to observe, and
10 as history unfolded itself, he had opportunity to see
11 what happened and know what went on. This is not a fore-
12 cast; it is an observation that he saw and knew about
13 that has already happened and gone.

14 If anyone should know, your Honor, then General
15 Ott is the man that does know.

16 ACTING PRESIDENT: By a majority, the objection
17 is overruled.

18 MR. CAUDLE (reading): "A During my acquaintance
19 with him in Tokyo, I must say 'No.'"

20 "Q Will you please make a general statement as to
21 your personal relationship with Ribbentrop, and state
22 whether or not such relations had any bearing on your
23 communications to him, and why?

24 "A The relations between Germany and Japan went
25 up and down several times during the years of my own

1 experience, 1934-1943. When the Japanese Government, in
2 the face of dramatic changes and actions in the German
3 policy, acted in their own way, Ribbentrop reacted
4 often with marked distrust and decision. He had a strong
5 tendency for 'wishful thinking,' and for overlooking the
6 facts and forces upon which the Japanese Government
7 used to base their decisions.

8 "When I often tried to moderate the views and
9 instructions of Ribbentrop, I awakened a mounting dis-
10 trust and suspicion that my attitude was influenced by
11 undue consideration of those Japanese tendencies which
12 were either indifferent or opposed to friendly relations
13 between Japan and Germany, and that I had not sufficient
14 contact with other groups of the political Japanese
15 life. I had to presume that this opinion of Ribbentrop
16 would spoil the success of my moderating work, and
17 drive him even more to other sources of information
18 which were more in line with his own ideas.

19 "In order to avoid such a development, I
20 carried on personal relations with the few Japanese
21 who were personally known to Ribbentrop, and whom I had
22 theretofore been instructed to contact.

23 "I mentioned these people, among them Ambassador
24 SHIRATORI, and stressed their cooperation on occasions,
25 especially when I tried to give weight to my opinions

1 or suggestions contrasting Ribbentrop's ideas or in-
2 structions or when it seemed necessary to confirm him
3 that my report covered the situation from every point of
4 view.

5 "Q General, was there ever any real coopera-
6 tion between the German and Japanese Governments in the
7 conduct of the war, as to military and economic opera-
8 tions?

9 "A No, there was no real cooperation in either
10 respect, particularly compared with the combined strategy
11 and Lend-Lease operations of the Allied Nations. The
12 Tripartite Pact provided for a Commission which did not
13 set to work until Japan had entered the war. After-
14 wards, in January 1942, an agreement was concluded in
15 Berlin which fixed the respective separate spheres of
16 military operations between Japan, Germany and Italy.
17 In the military field there was only an occasional ex-
18 change of blueprints or samples of newly developed weapons
19 or other instruments of warfare and of expert personnel
20 during my presence in Japan.

21 "In the economic field there was the transport
22 of raw materials to Germany via the Siberian Railway,
23 and afterwards when this line was stopped by the Russo-
24 German War, by blockade-running German and Italian ships.
25 This transport collapsed, after heavy losses, as far as

I heard, about the end of 1943.

1 "Q General, I have been requested by another
2 defense counsel, Mr. William Logan, counsel for Marquis
3 KIDO, the former Lord Keeper of the Privy Seal, and also
4 one of the accused, to enquire about the nature of the
5 relations between the Marquis and the German Govern-
6 ment. Will you please state whether or not you know the
7 Marquis and what relations in your official capacity did
8 you have with him?

10 "A I had no relations with him in my official
11 capacity because his official position did not cover
12 any contact with the Foreign Missions. As far as I
13 remember, I met him occasionally during Imperial cere-
14 monies or big social functions of the Japanese Govern-
15 ment.

16 "Q Will you please state if you know what the
17 attitude of the German Government was towards the
18 Marquis?

19 "A The attitude of the Reich Government towards
20 Marquis KIDO was one of distrust. He was considered as
21 belonging to the group which did not favour the improve-
22 ment of the Japanese-German relations, primarily under
23 the leadership of the Minister of the Imperial Household,
24 MATSUDAIRA. I considered KIDO in line with MATSUDAIRA's
25 views, and this feeling was shared in Berlin.

1 "Signed, Eugen Ott." Duly verified by Captain
2 Ralph E. Johnson, U. S. Army.

3 ACTING PRESIDENT: We will recess for fifteen
4 minutes.

5 (Whereupon, at 1445, a recess was
6 taken until 1500, after which the proceedings
7 were resumed as follows:)
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Greenberg & Yelden

1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 ACTING PRESIDENT: Mr. Brooks.

4 MR. BROOKS: If the Tribunal please, in this
5 exhibit, 3579, I wish to submit the answers at the
6 top half of pages 12, 19, 20 and 38 to the Tribunal
7 for consideration as a possible answer to their
8 inquiry made to the President in relation to exhibit
9 523. Exhibit 523 appeared at record page 6174 and
10 was a telegram sent to Berlin by Ott. Paragraph 22
11 of exhibit 3375, court record page 32,235, KOISO's
12 affidavit, discusses this exhibit 523.

13 The President of the Tribunal asked KOISO
14 on the witness stand why Ott would make statements
15 about KOISO as he did in this exhibit 523, which
16 KOISO denied as having been made by himself; and I
17 submit that by adopting these answers on the pages
18 hereinto referred the Tribunal may consider this as
19 a possible answer to their inquiry thereon and as
20 bearing out KOISO's reply that it must have been an
21 attempt to impress the higher officials.

22 I wish the Tribunal to consider this as
23 evidence on the pages referred to in behalf of KOISO
24 as well as on behalf of SHIRATORI--these answers.

25 MR. CAUDLE: Mr. President.

1 ACTING PRESIDENT: Mr. Caudle.

2 MR. CAUDLE: I next refer to exhibit No. 3577,
3 curriculum vitae of the defendant SHIRATORI, in order
4 to show the following facts: (a) That SHIRATORI
5 arrived at Tokyo December 23, 1936, returning from
6 Stockholm; (b) that he was relieved from the minister-
7 posts in Sweden, Norway, Denmark and Finland, and that
8 he was placed on the waiting list April 28, 1937;
9 (c) that he was appointed as the Ambassador Extra-
10 ordinary and Plenipotentiary to Italy September 22,
11 1938; (d) that he left Tokyo November 22, 1938, and
12 arrived in Rome on December 29, 1938.

13 ACTING PRESIDENT: Did you refer to exhibit
14 3577? I think you mean 3575.

15 MR. CAUDLE: Yes.

16 The prosecution stated that SHIRATORI
17 accepted the post of Ambassador to Italy and journeyed
18 to Rome in the latter part of December, 1938, with
19 the expectation that he would succeed in concluding
20 the Tripartite military alliance between Japan, Germany
21 and Italy (record page 16,914; also exhibit 498,
22 record page 6083). In order to contradict this in-
23 sistence, I call the witness UGAKI, Issei.

24 MARSHAL OF THE COURT: Mr. President, the
25 witness UGAKI is in court. He has previously testified

before the Tribunal.

- - -

I S S E I U G A K I, recalled as a witness on behalf of the defense, having been previously sworn, testified through Japanese interpreters as follows:

DIRECT EXAMINATION

BY MR. CAUDLE:

Q Will you please state your name and address?

A My name is UGAKI, Issei; my address: Nagaoka Izu, Shizuoka Prefecture.

ACTING PRESIDENT: You are warned that you are still on your former oath.

MR. CAUDLE: May the witness be shown defense document No. 2896?

(Whereupon, a document was handed to the witness.)

Q Please examine that document and tell us whether or not it is your sworn affidavit.

A This is my affidavit without mistake.

Q Are the contents of it correct and true?

A Yes.

MR. CAUDLE: I offer in evidence defense document No. 2896.

ACTING PRESIDENT: It may be admitted in

evidence.

1 CLERK OF THE COURT: Defense document 2896
2 will receive exhibit No. 3580.

3 (Whereupon, the document above
4 referred to was marked defense exhibit No. 3580
5 and received in evidence.)
6

7 MR. CAUDLE: I will now read that exhibit:

8 "Sworn deposition - Deponent: UGAKI, Issei.

9 "Having been duly sworn in accordance with
10 the procedure followed in my country, I do hereby
11 depose and say as follows:

12 "1. I was Minister of Foreign Affairs in
13 the first KONOYE Cabinet from May 26 to September 29,
14 1938.

15 "2. Toward the end of August of that year,
16 Premier KONOYE suggested to me the appointment to
17 viceministership of Foreign Affairs of Mr. SHIRATORI,
18 Toshio, who was then on the waiting list as a minister
19 plenipotentiary. While I had no desire to remove
20 the then vice-minister, I thought it a pity to leave
21 Mr. SHIRATORI so long without any assignment. I
22 therefore requested him to call on me and asked him
23 if he would accept the post of Ambassador to Italy.
24 He showed reluctance at first, but consented a few
25 days later. He was formally installed on the 22d of

1 September.

2 "3. In deciding upon this appointment, it
3 was no part of my consideration to specifically
4 make Mr. SHIRATORI conduct a negotiation looking to
5 strengthening the Anti-Comintern Pact between Japan,
6 Germany and Italy, nor to let him in any way put
7 forth special efforts to induce Italy to participate
8 in such a new agreement. In offering him the Rome
9 post, therefore, no mention whatever, was made of
10 this matter.

11 "4. As a matter of fact at that time the
12 question of strengthening the Anti-Comintern Pact
13 had been brought to the notice of the Japanese
14 Government merely in the form of information from
15 German quarters. It was by no means a formal over-
16 ture through the German Ambassador in Tokyo or from
17 the Japanese Ambassador in Berlin, but was conveyed
18 to us by our Military Attache in Berlin as a piece
19 of information. The whole matter was still at a
20 quite unofficial and sounding stage. It is true
21 that the Government decided to launch into a tenta-
22 tive negotiation, but no mature study had yet been
23 made, nor a final conclusion reached at that time.
24 I for myself was of the opinion that the question of
25 strengthening or amplifying the Anti-Comintern Pact

1 was one centering upon the prevention of the
2 communistic revolution of the world and that con-
3 sequently it was a matter solely of what measures
4 should be adopted vis-a-vis the communistic powers
5 of the world. I believed that whether the strengthen-
6 ing or amplifying of the Pact should stop at mutual
7 political assistance or should embrace military
8 assistance as well should be studied on that major
9 premise and determined through negotiation on that
10 general line.

11 "The problems that lay nearest my heart as
12 Foreign Minister, however, was the solution of the
13 China affair, which, in my opinion, was the most
14 urgent need of the time. That I had accepted the
15 portfolio of Foreign Affairs was in fact mainly for
16 the purpose of tackling this all-important problem.
17 Compared to this, the question of strengthening the
18 Anti-Comintern Pact was a rather minor consideration
19 with me. That is why I did not specifically discuss
20 it with Mr. SHIRATORI in assigning him to Rome.
21

22 "5. To the best of my recollection,
23 Mr. SHIRATORI left Tokyo for Rome some time after I
24 had resigned as Foreign Minister.

25 "On this 8 day of May 1947 at Tokyo.

"(Signed) UGAKI, Issei."

UGAKI

DIRECT

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1 I think Mr. Blakeney would like to ask
2 some questions.

3 ACTING PRESIDENT: Mr. Blakeney.
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1 MR. BLAKENEY: Direct examination on behalf
2 of Mr. TOGO.

3 DIRECT EXAMINATION (Continued)

4 BY MR. BLAKENEY:

5 Q At the time you were Foreign Minister in
6 1938, was the defendant TOGO, Shigenori Ambassador
7 to Germany?

8 A Yes.

9 Q And do you remember receiving, as Foreign
10 Minister, any cablegrams from Ambassador TOGO stating
11 his views on the Three Power Alliance among Germany,
12 Japan and Italy which was then under discussion?

13 A Yes, I remember.

14 Q And in those messages did Ambassador TOGO
15 approve of or oppose such an alliance?

16 A I recall that he opposed such an alliance.

17 Q Did he tell you in those messages, if you
18 remember, that he opposed such an alliance directed
19 against any countries whatsoever?

20 A Yes, that is my recollection.

21 MR. BLAKENEY: That is all. Thank you.

22 ACTING PRESIDENT: Mr. Logan.

23 MR. LOGAN: If the Tribunal please, I wish
24 to ask a few questions on behalf of Marquis KIDO.
25

DIRECT EXAMINATION (Continued)

1 BY MR. LOGAN:

2 Q General, the prosecution in this case, in
3 document 0003, states that Marquis KIDO rejected an
4 appointment suggested by WAKATSUKI of you as the only
5 man who might perhaps have averted war altogether at
6 the meeting of the Senior Statesmen on October 17,
7 1941. In view of the situation as it existed on
8 October 17 and developed up to December 8, do you
9 agree with the prosecution's claim that you are
10 perhaps the only man who might have averted war?
11

12 A I was of the firm belief that a war between
13 Japan and America should be averted by all means.
14 But as to whether, if I had assumed office at that
15 time, I would have been able to do anything about it,
16 I must leave that up to your judgment.

17 MR. LOGAN: That's all.

18 ACTING PRESIDENT: Is there any cross-
19 examination?
20

21 MR. SANDUSKY: May it please the Tribunal.

22 ACTING PRESIDENT: Mr. Sandusky.
23
24
25

CROSS-EXAMINATION

1 BY MR. SANDUSKY:

2 Q Mr. Witness, although you state in your
3 affidavit that no final decisions regarding the pro-
4 posed pact had been reached by the time of your
5 resignation as Foreign Minister in September, 1938,
6 is it not a fact that Germany had already been ad-
7 vised, at least informally, that Japan could not
8 agree to a pact calling for immediate participation
9 in war or to a pact having no limitations as to its
10 scope or the opposing parties?

12 ACTING PRESIDENT: Do you understand that
13 long question?

14 THE WITNESS: I did.

15 A I had no knowledge as to whether Germany
16 was informed informally of such views. During my
17 tenure of office, all I learned was through the mili-
18 tary that Germany desired a general military alliance.
19 I disposed of that matter as information and did not
20 do anything about it. The matter had not advanced to
21 such a stage where we could carry on international
22 negotiations officially.

23 Q Mr. Witness, in addition to Prince KONOYE's
24 recommendation of SHIRATORI mentioned in your affi-
25 davit, were you not subjected to pressure from other

1 quarters to appoint SHIRATORI as your Vice Foreign
2 Minister?

3 MR. CAUDLE: I object to that, your Honor,
4 because he did not appoint him as Vice Foreign
5 Minister.

6 ACTING PRESIDENT: Objection overruled.

7 Q (Continuing) Will you answer the question?

8 A I did hear rumors to that effect, but no one
9 approached me directly on the matter other than Prince
10 KONOYE.

11 Q May I refresh your recollection, Mr. UGAKI?
12 In July, 1938 is it not a fact that the late OKAWA,
13 Shumei presented a petition to you signed by a group
14 of younger officials in the Foreign Office urging the
15 appointment of SHIRATORI as Vice Foreign Minister?

16 MR. CAUDLE: I object to that, your Honor,
17 as being immaterial and irrelevant.

18 ACTING PRESIDENT: Objection overruled.

19 Q (Continuing) Would you answer the question,
20 witness?

21 A I have no recollection as to whether I did
22 receive such a petition or not.

23 Q May I refresh your recollection further, Mr.
24 UGAKI? Is it not true that around June of 1938 you
25 complained to Premier KONOYE that War Minister ITAGAKI

1 was most persistent in pressing for the appointment
2 of SHIRATORI as Vice Foreign Minister?

3 A I have no such recollection.

4 Q Mr. UGAKI, did you learn from any source
5 that after your resignation as Foreign Minister
6 fifty young officials of the Foreign Office again
7 presented a petition on behalf of SHIRATORI, this
8 time to Premier KONOYE and this time urging SHIRA-
9 TORI's appointment as Foreign Minister?

10 MR. CAUDLE: I certainly object to that
11 question because what he heard is certainly not
12 competent in this court. I have no objection to
13 him testifying to what he knows, but hearsay is, in
14 my understanding, not competent.

15 ACTING PRESIDENT: Hearsay is competent
16 under our Charter. Objection overruled.

17 Q (Continuing) Would you answer the question?

18 A I didn't even hear rumors to such an effect.

19 Q It is correct, is it not, Mr. UGAKI, that
20 seven days after Mr. SHIRATORI was appointed Ambassador
21 to Italy you were succeeded as Foreign Minister by
22 Premier Prince KONOYE who had previously recommended
23 the appointment of SHIRATORI?

24 A That is true.

25 MR. SANDUSKY: May it please the Tribunal,

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that concludes my cross-examination.

1 ACTING PRESIDENT: I have a question by a
2 Member of the Tribunal:

3 When you say that you have no recollection of
4 OKAWA's demands, do you mean that no such demands were
5 made?

6 THE WITNESS: That is what I meant.

7 MR. CAUDLE: May I ask just one question please,
8 sir?
9

10 General UGAKI, in line with the last question
11 propounded to you by Mr. Sandusky with reference to
12 Prince KONOYE being appointed Premier within six days
13 after the appointment of SHIRATORI as Ambassador to
14 Italy, by the same token is it not true that within
15 three days upon his arrival in Rome the said KONOYE
16 Cabinet fell?

17 THE WITNESS: Maybe so. I don't exactly recall
18 the dates.

19 MR. CAUDLE: Did not that cabinet fall in the
20 very earliest part of January, 1939?

21 THE WITNESS: Yes, as you say.

22 MR. CAUDLE: That is all. I ask that the
23 witness be released if there are no further questions.

24 ACTING PRESIDENT: The witness may be excused
25 under the usual conditions.

(Whereupon, the witness was excused.)

MR. CAUDLE: Item 18 has been deleted.

1 The prosecution insisted that prior to the ar-
2 rival of SHIRATORI at Rome both Ribbentrop and OSHIMA
3 had failed in their efforts to bring Italy into agree-
4 ment for a Tripartite Alliance (record page 16,914).
5 But I will show that SHIRATORI had nothing to do with
6 the acceptance by Mussolini of Ribbentrop's proposal
7 to transform the Anti-Comintern Pact into an alliance.
8 First, I offer in evidence defense document No. 640,
9 a telegram sent by Ambassador SHIRATORI at Rome to
10 Foreign Minister ARITA, 10 January 1939.

11 ACTING PRESIDENT: It may be admitted in
12 evidence.

13 CLERK OF THE COURT: Defense document 640 will
14 receive exhibit No. 3581.

15 (Whereupon, the document above re-
16 ferred to was marked defense exhibit No.
17 3581 and received in evidence.)

18 MR. CAUDLE: I will now read exhibit No. 3581:
19 "Despatched from Rome, January 10, p.m.
20 "Received at the Foreign Office January 11, a.m.
21 "To: Foreign Minister ARITA
22 "From: Ambassador SHIRATORI
23 "No. 3.
24 "I presented credentials on the morning of
25

January 10. The particulars will be given by post."

1 I neglected to read the date: "Showa 14 (1939)
2 at the top of that page of the exhibit.

3 I next offer in evidence defense document No.
4 275, a confidential note sent by Ambassador SHIRATORI
5 at Rome to Foreign Minister ARITA under date of January
6 19, 1939, in order to show dates of SHIRATORI's arrival
7 in Rome, his call on Foreign Minister Ciano, and his
8 presentation of credentials to the King.

9 ACTING PRESIDENT: It will be admitted in
10 evidence.

11 CLERK OF THE COURT: Defense document No. 275
12 will receive exhibit No. 3582.

13 (Whereupon, the document above re-
14 ferred to was marked defense exhibit No.
15 3582 and received in evidence.)
16

17 MR. CAUDLE: I will read this document only
18 in part as is pertinent, down through the sixth line
19 of the second page:

20 "January 19th, 1939 (the 14th year of Showa)

21 c "Subject: Report concerning the Presentation
22 of Credentials.

23 "To: Mr. ARITA, Hachiro, Foreign Minister.

24 "From: SHIRATORI, Toshio, Envoy Extraordinary
25 and Ambassador Plenipotentiary to Italy.

"I report as follows on the above-mentioned subject:

"I arrived at my post on 29th December last year. On the 31st of the same month, informally paying an inaugural call to Foreign Minister Ciano, I handed to him the copies of my credentials and the letter of recall of former Ambassador HOTTA and asked him to arrange for me an audience with the King in order that I might present them, while I requested the Chief Chamberlain to inform me of the convenience of the Court. On 9th January, a chamberlain formally called and informed me that it had been decided that the ceremony of the presentation of the credentials would be held on the 10th at 11:00 a.m. On the said day, therefore, after the chamberlain who was sent to guide me had arrived, I started for the Royal Palace attended by the members of the Embassy staff, the military and naval officers, their assistants and the flight officer, -- riding in four coaches sent round from the Court. Arriving at the Palace we passed through the inner garden of the Palace and the court-rooms where the guards of honour were lined up, and entering the antechamber, we exchanged courtesies with the court officials and the military aide-de-camp to the King who were awaiting our arrival. Led by the Vice-Chief Chamberlain, I entered

1 the audience-chamber and presented the credentials and
2 the letter of recall. (There was no attendance on the
3 King)"

4 In order to show that Mussolini decided to
5 participate in a tripartite alliance on the 1st of
6 January, 1939, (that is, on the third day after
7 SHIRATORI's arrival in Rome) I offer in evidence defense
8 document No. 556, which is an English translation of
9 excerpts from Ciano's Diary, exhibit No. 499 (IPS docu-
10 ment No. 1418). I offer in evidence and read only the
11 marked parts thereof for the purpose of saving time.

12 ACTING PRESIDENT: It will be admitted in
13 evidence.

14 CLERK OF THE COURT: Defense document 556
15 will receive exhibit No. 3583.

16 (Whereupon, the document above re-
17 ferred to was marked defense exhibit No.
18 3583 and received in evidence.)

19 MR. CAUDLE: I might add, your Honor, that
20 the certificate of procurement of its authenticity
21 covers both this document and defense document 1619.

22 (Reading) "Excerpts from Ciano Diary.
23 "January 1, 1939."

24 I read the first sentence in the first para-
25 graph:

1 "The duce returned to Rome yesterday evening
2 and we had a long conversation."

3 Now the third paragraph, first sentence, same
4 date:

5 "Finally, he informs me about his decision to
6 accept Ribbentrop's proposal to transform the anti-
7 Comintern Pact into an alliance. He wishes the alli-
8 ance to be signed during the last third of January."

9 I now go to the last sentence of that para-
10 graph, same date:

11 "I write Ribbentrop the letter in which I
12 inform him of our acceptance of his proposal (inserted
13 in the body of the documents)."

14 "January 2, 1940 (sic)

15 "The letter for Ribbentrop has been approved.
16 Tomorrow I will transmit it to Attolice, together with
17 some instructions concerning what he is to say to the
18 Germans in connection with the Alto Adige and the
19 commercial relations between our two countries. Con-
20 cerning the Alto Adige, it would fall in with Hitler's
21 plans to permit the departure of those Germans who want
22 to leave. I telephone Ribbentrop to inform him briefly
23 of this decision. The connection was bad and it was
24 difficult to understand each other. We were not able
25 to say much. But he was satisfied and confirmed that by

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1 the end of the month everything will be ready, even on
2 the Japanese side."
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1 I now read the first two sentences of Jan-
2 uary 3, 1939.

3 "I give Attolico instructions on his mission
4 to Ribbentrop; he is leaving this evening. While before
5 I always found him to be rather hostile to the idea
6 of an alliance with Germany, this morning he was openly
7 in favor of it."

8 I skip the next sentence and read,

9 "In the afternoon I also inform von Mackensen
10 who, returning from a trip to Berlin, came to pay me
11 a visit."

12 And then I go to page 3 of the document and
13 read the first sentence under January 5, 1939.

14 "After a first conversation with Ribbentrop,
15 Attolico reports that Ribbentrop proposes the 28 of
16 January as the date for the conclusion of the alliance."

17 I go to page 4, the first sentence at the top
18 of the page, still under the date of January 5.

19 "Il Duce has told me that he has informed the
20 King of the coming military alliance with Germany. He
21 showed himself satisfied."

22 The entry of the diary for 2 April 1939 will be
23 read afterwards, for the purpose of securing an orderly
24 testimony.
25

ACTING PRESIDENT: On page 1 for January 2,

it is dated 1940. Isn't that a mistake?

1 MR. CAUDLE: That is a typographical error.
2 I didn't notice it. It is supposed to be 1939.

3 ACTING PRESIDENT: You have the word "sic"
4 in parenthesis. Is that the way it is on the original
5 entry?
6

7 MR. CAUDLE: It seems that in the diary itself
8 there was a typographical error and it had 1940 follow-
9 ing right after January 1, 1939. And the word "sic" was
10 stuck in the diary; why it was there I don't know.

11 ACTING PRESIDENT: Did you intend to offer
12 this defense document 556-A and defense document 1619-A,
13 Certificate of Origin?

14 MR. CAUDLE: It was supposed to have been
15 attached to both those two documents. I did not have
16 a separate document for -- I mean a separate certificate
17 for each document, and I called it to the Court's atten-
18 tion when I first began.

19 ACTING PRESIDENT: It should be introduced and
20 given a number.

21 MR. CAUDLE: All right, sir. I had assumed
22 that it would be part of those two exhibits.

23 CLERK OF THE COURT: Defense document 556-A
24 and defense document 1619-A will receive exhibit No.
25 3583-A.

(Whereupon, the documents above referred to was marked defense exhibit No. 3583-A.)

1
2 MR. CAUDLE: I next offer in evidence defense
3 document No. 852, a memorandum of German Ambassador
4 Mackensen at Rome, under date of 3 January 1939, in
5 order to show that Ciano informed him of the Italian
6 decision to accept Ribbentrop's proposal to transform
7 the Anti-Comintern Pact into an alliance.

8 ACTING PRESIDENT: It will be admitted in
9 evidence.

10 CLERK OF THE COURT: Defense document 852 will
11 receive exhibit No. 3584.

12 (Whereupon, the document above re-
13 ferred to was marked defense exhibit No.
14 3584 and received in evidence.)

15 MR. CAUDLE: (Reading) "Memorandum of Mackensen,
16 German Ambassador at Rome, 3 January 1939.

17 "Count Ciano informed me in the strictest con-
18 fidence in the course of our conversation today that
19 the Duce has decided, on the question of the Germany-
20 Italy-Japan Tripartite Alliance Pact, that the signing
21 can take place immediately as far as he is concerned.
22 He - Ciano - (supplementing a brief telephone notifica-
23 tion last night) has written the German Foreign Minister
24 a private letter concerning this, which Attolico, who
25

is returning to Berlin tonight, is to take to him.

1 In view of other already existing commitments in January
2 (Chamberlain visit, trip to Belgrade, 2-3 days there-
3 after to devote himself to affairs here in Rome) a
4 day at the end of the month comes under consideration.
5 The German Foreign Minister considers this also prac-
6 tical, because the technical preparations by the Japan-
7 ese for the signing ceremony will take about 3 weeks.
8 OSHIMA will sign for Japan. He, Ciano, has gladly
9 acceded to the desire of Herr von Ribbentrop and agreed
10 to the choice of Berlin as the place for signing. Count
11 Ciano then took up the calendar and said the 30th, or
12 even better the 28th, would be suitable signing days
13 for him. He has learned from Attolico that a major
14 address by the Fuehrer is planned for the 31st.
15

16 "Rome, 3 January 1939.

17 "Signed, Mackensen."

18 I next offer in evidence defense document No.
19 1619, which is also an English translation of excerpts
20 from "Ciano Diary," exhibit No. 499, IPS document No.
21 1418, in order to show that Mussolini, notwithstanding
22 SHIKATORI's activities, preferred an Italo-German alliance
23 to a tripartite alliance.

24 I offer in evidence this document, and will
25 read only the marked parts thereof for the purpose of

1 saving time.

2 ACTING PRESIDENT: Admitted in evidence.

3 CLERK OF THE COURT: Defense document 1619
4 will receive exhibit No. 3585.

5 (Whereupon, the document above re-
6 ferred to was marked defense exhibit No.
7 3585 and received in evidence.)

8 MR. CAUDLE: (Reading) "Excerpts from Count
9 Ciano's Diary. From IPS document No. 1418, exhibit
10 No. 499.

11 "February 3, 1939

12 "The Duce is discontented with the Japanese
13 delays in concluding the Tripartite Alliance and re-
14 grets the way in which Ribbentrop lightly assumes that
15 the Tokyo Government will agree to conclude the pact.
16 Mussolini thinks it might be a good idea to conclude
17 a double alliance, without Japan, and leave Japan to
18 face Anglo-French force alone. In this case, the pact
19 would have no anti-British or anti-American flavor what-
20 soever."

21 I now go to the item of March 3d, 1939, start-
22 ing at the third line thereof, second paragraph.

23 "The Duce is at Terminillo. He telephones
24 that he would like to see me; in the afternoon I go to
25 him."

1 We turn next to the back of that page, and
2 right at the end of the third line, under the same
3 date, we read:

4 "We discuss at length the Tripartite Alliance.
5 New delays are caused by Japanese red tape and for-
6 mality. The Duce is always more in favor of the bi-
7 lateral alliance with Berlin, leaving Tokyo out. Our
8 alliance with Japan will push the United States into
9 the arms of the western democracies once and for all.
10 He wants to speed up the German-Italian alliance."

11 I now drop down to the item under April 25,
12 1939.

13 "News arrives from Berlin that the Japanese
14 persist in their reservations with respect to the triple
15 alliance; therefore the signing is postponed sine die.
16 Mussolini, to whom I telephone the news at Forli, where
17 he has been since this morning, says that he is just
18 as glad; actually for some time he has considered Japan's
19 adherence more harmful than useful. We will meet Rib-
20 bentrop on the 6th, in some North Italian city, to
21 define the common policy."

22 I now go to the item dated May 6 and 7, 1939.
23 It will be in the second paragraph on page 3 of the
24 document, first line.
25

"I took notes of the conversations with

Ribbentrop."

I now drop to the next paragraph.

"The alliance, or rather the immediate announcement of the alliance, was decided Saturday evening right after dinner at the Continental, following a telephone call from the Duce. After the talk, I reported to Mussolini the results, satisfying from our point of view. He, as always when he has achieved something, demands more, and asked me to have the Bilateral Pact announced, which he has always preferred to the Triangular Alliance. Ribbentrop, who, at the bottom of his heart, has always aimed at the inclusion of Japan in the pact, at first demurred but then ended by giving in with the reservation that he must obtain Hitler's approval. The latter, called on the telephone, gave his immediate approval and personally helped with the editing of the communique. When I informed the Duce on Sunday morning he displayed particular satisfaction."

The prosecution offered in evidence against SHIKATORI excerpts from "Ciano Diary," exhibit No. 499-A, IPS document 1418-B, entry for 7 January 1939, and exhibit No. 501, IPS document 1418-D, entries for 6 February, 6 March and 8 March, 1939, record pages 6095-6097. These entries reflect only Ciano's

one-sided viewpoint. The best evidence of SHIRATORI's official acts and advices to his government would be the telegraphic reports which SHIRATORI sent from Rome at that time as Japanese Ambassador to Italy. But neither the prosecution nor the defense can offer them because these telegrams were destroyed by fire and exist no more. To show this fact I offer in evidence defense document No. 1697.

ACTING PRESIDENT: It will be admitted.

CLERK OF THE COURT: Defense document 1697 will receive exhibit No. 3586.

(Whereupon, the document above referred to was marked defense exhibit No. 3586 and received in evidence.)

MR. CAUDLE: (Reading) "Certificate.

"I, HAYASHI, Kaoru, Chief of Archives Section, Japanese Foreign Office, hereby certify that all the copies of telegrams, which were exchanged between the Japanese Foreign Office and Mr. SHIRATORI, Toshio, Ambassador Extraordinary and Plenipotentiary to Italy, and which concerned the negotiations for concluding a tripartite pact, were destroyed by fire, excepting the telegram No. 3, dated January 10, 1939, sent by Ambassador SHIRATORI to Foreign Minister ARITA, and that they are no more in the custody of

1 this Archives Section.

2 "Signed at Tokyo on this 5th day of May, 1947.

3 "Signed, HAYASHI Kaoru (Seal)

4 "The above signature and seal were affixed
5 in the presence of this witness, on the same date
6 and at the same place.

7 "Witness: (Signed) URABE Katsuma (Seal)"

8 Items 29 and 30 have been deleted.

9 The prosecution insisted that SHIRATORI and
10 OSHIMA advocated an all-out military alliance without
11 reservations -- this is going to be just a wee bit
12 long, and I would hate to have to start off in the
13 middle of it in the morning.

14
15 ACTING PRESIDENT: We will adjourn until
16 nine-thirty tomorrow morning.

17 (Whereupon, at 1600, an adjournment
18 was taken until Wednesday, 10 December 1947,
19 at 0930.)

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